bill and other bills that have been proposed and also perhaps that our committee can formulate a bill.

Again, I see no reason why this House has to cede its authority on this important sphere to the Senate. Why should the Senate foreign operations bill be the core to any new Middle East Peace Facilitation Act that is proposed?

While Senator HELMS and Senator PELL are putting together their language and doing a good job, I think we have an equal role to play, not simply a role of following the Senate.

So I am wondering if the chairman can give me assurances that we will indeed have a markup in this House and that this House will come up with its own bill and not simply rubberstamp the Senate version in the foreign ops bill.

Mr. HAMILTON. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, in response to the concerns of the gentleman from New York, we share those concerns. We will have an opportunity in the next 30 days to take a good, hard look at all of those problems. And hopefully our committee will be able to address some of the gentleman's concerns.

I thank the gentleman for raising this issue.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was not objection.

The Clerk read the bill, as follows:

H.R. 2404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended Public Law 104–22, is amended by striking ''October 1, 1995,'' and inserting ''November 1, 1995,''.

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to October 5, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Dayton, OH [Mr. HALL]. All time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DREIER. Mr. Speaker, I yield myself such time a I may consume.

Mr. Speaker, the rule provides for consideration of House Joint Resolution 108, a continuing resolution making appropriations for fiscal year 1996 through November 30, 1995. The rule provides for consideration of the joint resolution in the House, any rule of the House to the contrary notwithstanding, with 1 hour of general debate divided equally between the chairman and ranking member of the Committee on Appropriations.

Finally, the rule provides for one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. Speaker, we are in the midst of an historic effort to change the Washington culture of deficit spending by balancing the Federal budget over a 7-year period. For the first time in three decades, the majority in Congress is insisting that Federal spending not take priority over the future of our children. We are implementing a budget plan that sets priorities within the $1.5 trillion Federal budget by slowing the rate of growth of most Federal programs while eliminating those that are clearly wasteful, duplicative, or unnecessary.

Balancing the budget is clearly not a simple job, especially when the President, sizable minorities in the House and Senate, and special interests that live off the fat of the bloated Federal Government stand in the way. The appropriations process is a central feature of that budget balancing struggle.

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It is clear that the bills that meet the targets of the 7-year balanced budget plan will not be completed by October 1, the beginning of the new fiscal year. The continuing resolution that we are going to be considering here today gives Congress time to complete the regular appropriations bills.

Mr. Speaker, the administration supports House Joint Resolution 108, the chairman and ranking minority member of the Committee on Appropriations appeared before the Committee on Rules yesterday and both supported both the rule and the measure. This continuing resolution is a bipartisan compromise that was the result of a long, sincere, and tireless negotiating process.

While this continuing resolution is a responsible bill, there should be no mistake the fact he continuing resolutions will not replace the regular appropriations process. House Joint Resolution 108 provides the time we need to do the work we need, and that is it. It is a temporary stopgap, and it is a fiscally responsible stopgap.

The spending level incorporated in this continuing resolution is below the level in the House-passed balanced budget plan. It should be made clear that this continuing resolution does not attempt to impose major policy changes on the Federal Government. Those policy changes will be accomplished through the regular legislative process, an effort, even a struggle in some cases, that I look forward to. But they will not be implemented today.

Mr. Speaker, with the beginning of the new fiscal year rapidly approaching, it is important that we act quickly. I urge my colleagues to support this rule and to support the resolution. It should be approved, sent to the other body for equally prompt and responsible consideration, and sent to the President for signature this weekend. Then we can get back to the critical work of balancing the Federal budget, saving the Medicare system from bankruptcy, ending welfare as we know it, and implementing a growth-oriented tax cut that will create more jobs and increase the take-home pay of American workers.

Mr. Speaker, I include for the RECORD a comparison of the rules considered by the Committee on Rules during the 103d and 104th Congresses.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 27, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	74
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	3	4
Totals:	104	100	68	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/11/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 A: voice vote (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)..
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, House Resolution 230 is a closed rule to allow consideration of House Joint Resolution 108, a bill making continuing appropriations for the fiscal year 1996.

As my colleague from California has described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

Under the rule, no amendments will be allowed. A motion to recommit with instructions may be offered only by the minority leader or his designee.

The Rules Committee reported this rule by voice vote without opposition.

Too often in recent years, Congress has waited until the last minute to keep the Government going past the beginning of the fiscal year. With this ritual comes the fear of Government furloughs, shutdowns, and programs grinding to a half.

This year, with loud threats being made not to compromise, the fears were stronger than usual. There was talk of a train wreck coming October 1.

The American people deserve better. What kind of a signal are we sending to the dedicated, public-spirited civil servants who work for the Governments?

What kind of a signal are we sending to Americans who depend on Government services?

What kind of a signal are we sending to the people of other nations who are our allies and trading partners?

There has to be a better way.

During Rules Committee consideration of the continuing resolution, we heard testimony from our colleague from Pennsylvania, Mr. GEKAS, who has proposed a bill that would provide an automatic back-up plan in case the appropriations bills are not passed before the end of the fiscal year. It is a sound idea that has merit.

I hope that the House will give serious consideration to his bill—or any proposal that will end this embarrassing ritual once and for all.

The rule under consideration is a closed rule. In general, I am opposed to closed rules. This institution usually does its best work when full and open debate is permitted, giving the American people an opportunity to hear complete discussion of the issues.

But there is a time when legislation is so urgent and so fundamentally important to our Nation that a closed rule is acceptable. This is such a time.

We must pass this bill quickly to ensure the smooth continuation of Government services into the next fiscal year. Even more important, we must send a signal to the Federal workers at military bases, veterans' hospitals, air traffic control towers, national parks, and elsewhere that this House respects their work.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to my good friend, the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly thank the vice chairman of the Committee on Rules for yielding me this time. The gentleman has very ably stated the necessity for this continuing resolution.

Mr. Speaker, let me first of all just really praise the chairman of the Committee on Appropriations, the gentleman from Louisiana, BOB LIVINGSTON, for the great job than he and his staff have done on this entire appropriation process this year under very difficult circumstances. But let me speak just briefly to the aspect of a closed rule.

This is not a typical closed rule. What this rule does is simply allow the Committee on Appropriations to bring a continuing resolution to this floor which will allow an additional 6 weeks for this body to negotiate between the Democrats and the Republicans, to negotiate between Republicans and Republicans, and to negotiate with the other body as well as the White House.

I want to make one thing very clear: This in no way diminishes our effort to stay on a glidepath toward a balanced budget. This Member of Congress is voting for nothing that is going to in any way diminish that effort to bring about a balanced budget. As a matter of fact, the continuing resolution, as the gentleman from Louisiana [Mr. LIVINGSTON] has stated and will state in a few minutes, and the gentleman from California [Mr. DREIER], this continuing resolution actually keeps us on that glidepath more than if we did nothing at all. That is very, very important.

For example, when various programs or projects or bureaus or agencies have been zeroed out, have not been funded, this says that they can continue at last year's 1995 levels, minus or not to exceed 90 percent; nor can they go ahead with any kind of expediting of programs that are not provided for. For all of the other programs, and this is very important, they will only be funded during the next 6 weeks at the average of the House and Senate, minus another 5 percent.

That means by passing this continuing resolution, we are actually saving the taxpayers dollars. That is important to keep in mind. I hope everyone does support this continuing resolution so we can get on toward balancing this budget, which is desperately needed in this country.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules and the chairman of the Subcommittee on Legislative Process.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am very pleased to rise in support of this rule and I thank my friend, the vice-chair of the Rules Committee, Mr. DREIER, for yielding. For those who despair that partisan politics have ground the legislative process to a halt, this rule and this continuing resolution should provide some encouragement. Today we have before us the product of good faith negotiation and practical cooperation between the Houses of Congress and up and down Pennsylvania Avenue. The continuing resolution reflects a bipartisan commitment to ensuring that the Government continues to function beyond the first of the fiscal new year. Yet we must be perfectly clear—this continuing resolution is temporary—lasting no more than 6 weeks—and it is carefully designed to squeeze discretionary spending enough so that all parties to the budget negotiations will have the incentive to get the real job done in passing—and signing—the 13 regular appropriations bills. This concurrent resolution reflects our commitment to balancing the budget and cutting Federal spending, while allowing us to work out some very deep philosophical differences on issues involving the size and scope of the Federal Government. That work lies at the heart of what must be accomplished in our congressional budget process. I know that many Americans are concerned about what has been labeled an impending train wreck in the budget process. While we have yet to reconcile the issues of Medicare, Medicaid, welfare and other major components of the budget picture, today's action at least clears the way for the discretionary spending train to leave the station, only slightly delayed, but on the right track. Mr. Speaker, this rule, as has been explained, is simple and should be noncontroversial. Although few people believe that continuing resolutions have been—or should ever be—standard business, today's rule is highly standard for such matters and I hope my colleagues will support it. I would like to note that we did have some testimony in the Rules Committee from Members taking a longer view of the congressional budget process, seeking a way to avoid annual action on continuing resolutions in the future. While we are not able to resolve that process question here today, I would like to assure Members interested in the broader topic of budget process reform that our Rules Subcommittees, chaired by Mr. DREIER and myself, have been reviewing our entire budget process and seeking opportunities for reform. We welcome the input of all Members. While process cannot protect us from making the tough policy decisions needed to find balance in our budget, it can help us adhere to those decisions once they are made.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do so to simply inform my colleagues that we are very pleased to have the distinguished former chairman of the Committee on Rules, the ranking minority member here, the gentleman from Massachusetts [Mr. MOAKLEY], and the entire House would like to extend our very warm welcome.

Mr. Speaker, I yield 4 minutes to my very good friend, the gentleman from Loveland, CO [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I would like to thank the gentleman from California [Mr. DREIER] for yielding me time. I commend the gentleman for his hard work in bringing about reform in the Congress.

Mr. Speaker, I rise in support of H.R. 230 and House Joint Resolution 108. In August I introduced H.R. 2197, the Continuing Resolution Reform Act. It was clear to me that a continuing resolution was very likely and that it would

be necessary to ensure that any continuing resolution immediately begin to cut spending.

The Allard rule would amend the rules of the House to require that a continuing resolution would find programs at the lower of the House-recommended level or the Senate-recommended level at, and in no case would funding exceed 95 percent of the prior year's level. This proposal would mandate a minimum of 5 percent real cut in any continuing resolution.

Mr. Speaker, I intend to continue the fight to get this proposal enacted into our House rules so it can provide a guideline for any future continuing resolutions.

Today we have before us a continuing resolution that will temporarily fund most programs at the average of the House recommended level and the Senate recommended level with an additional 5-percent cut below that level. I want to commend my colleague from Louisiana for working on such a strong agreement with the administration.

This continuing resolution is consistent with the overall discretionary spending target established by the budget resolution. It would result in $24.5 billion in discretionary spending cuts if calculated on an annualized basis.

This represents real spending cuts. In addition, it will act as a catalyst to get the regular appropriations bills enacted into law as soon as possible. It is not a painless alternative for those who wish to preserve the status quo and block budget cuts.

This is a credible agreement and a good start to our 7-year balanced budget plan. It will let the American people know that we are serious about keeping our promises. It will let them know we are serious about eliminating deficit spending by 2002.

Mr. Speaker, I intend to support this continuing resolution, and I urge my colleagues to do the same.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my good friend the gentleman from Harrisburg, PA [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is no secret to the members of the Committee on Rules that for several terms now I have regularly appeared before it to urge consideration of my proposal which we have called the instant replay, meaning that if on September 30 of every year, the end of the fiscal year, we do not have a budget in place, that automatically on October 1, would go into effect—by instant replay mechanism—last year's budget, or the lowest figure between the House and Senate, whichever is the lowest figure, for the remainder of the term, so that the White House and the Congress could continue to negotiate without the fear of and without the pressure of a threat of or actual shutdown in Government.

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That is all I ever intended, to prevent a shutdown of our Government. We had the anomally, the sad state of affairs, where in 1990, as our youngster were gathering their military forces in Saudi Arabia—waiting for Desert Storm to occur, in forming Desert Shield—that while they were there, the Government supported the shutdown. That is unacceptable.

Well, Mr. Speaker, where are we? I should feel chagrined that the Rules Committee again smacked me down and did not consider my proposal, but, on the other hand, the sense of that instant replay has been incorporated in the current continuing resolution. It prevents shutdown of Government, does bring in the lower levels of spending for an appreciable time, but the problem is that, after this 6-week continuing resolution's life, the question recurs, the danger recurs, the specter of a shutdown in Government comes back to haunt us.

Mr. Speaker, my instant replay would have prevented that for all time. But I am happy at least for 6 weeks to be able to debate the merits of instant replay again. There should never be a Government shutdown.

Mr. DREIER. Mr. Speaker, I would inquire of my friend if he has any speakers on the other side of the aisle.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time. I would simply say that I am thankful that we are avoiding this tremendous embarrassment, this big, certainly hurt to the country by having this continuing resolution before us. I am very thankful to the gentleman from Louisiana [Mr. LIVINGSTON] for his work, certainly the gentleman from Wisconsin [Mr. OBEY] for his diligence behind the scenes and working very, very hard to keep this, along with Mr. LIVINGSTON, and certainly our President for making it happen.

With that, Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I would join in saying that I believe this is a very important day. We are headed toward a balanced budget within the next 7 years. We have successfully, when we pass this resolution, avoided a shutdown of the Federal Government. It is due to the efforts of the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], and all of us who have participated in supporting their work here.

I hope, very much, that we will be able to move quickly to passage of this and then provide it so that the President can sign it this weekend. With that, Mr. Speaker, I urge support of the rule and support of the resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 108) making continuing appropriations for fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The Speaker pro tempore (Mr. HEFLEY). Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 108, and that I might include tabular and extraneous material.

The Speaker pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I might consume, and I do not anticipate that I will take nearly all the time allotted to me.

First, I want to thank the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, and all of the members of that committee for hearing us out and for bearing with us while we entertained the ongoing negotiations on this continuing resolution. We did have some last minute changes that we had to engage in with the administration but the Committee on Rules was most gracious in giving us the extra time so that we could put the final touches on this package. I am deeply appreciative of their consideration.

Likewise, Mr. Speaker, I want to thank the representatives of the administration, Mr. Panetta, Chief of Staff over at the White House, and all of his people for working with us. We had some interesting moments, but I am glad to say that with their help we finally brought it to a conclusion.

I especially wanted to thank my friend, the gentleman from Wisconsin [Mr. OBEY], the ranking member on the Committee on Appropriations. Without his help, I do not think we could have closed the loop on this package, and I do think that it is important that we have an additional 6 weeks of time to complete our processes on the appropriations bills.

Mr. Speaker, we went through a very exhaustive spring when the Contract With America was working its way through the Congress and, obviously, the budget and appropriations process was put to the back of the line in terms of the agenda on the floor of the House.

We have had to take a little extra time at the back end, but we are in the process of completing our business, and I think that this 6-week continuing resolution will enable us to get over the hump without unduly stressing the work force of the Federal Government or the business of the United States of America.

I am very, very pleased then to bring to the House this fiscal year the 1996 continuing resolution, House Joint Resolution 108. We will not have all 13 appropriations bills enacted into law before October 1. A continuing resolution to keep the Government operating is, therefore, necessary.

This continuing resolution has been developed in consultation with both sides of the aisle, with our Senate counterparts, and with the joint leadership, as well as with the President. The President has indicated that he will sign it if it is presented in its current form. The passage of this continuing resolution by this body and its enactment will avoid any unnecessary and costly disruption of Government operations while we work out our difference on the regular 13 appropriations bills.

Mr. Speaker, the current status of our 13 regular bills is as follows: Two bills, military construction and legislative branch have been cleared by us for presentation to the President. Two more conference reports, Interior and Defense, are ready for consideration in the House. One bill, the Agriculture bill, has completed conference, and I expect that the conference report will be filed later today, and I am hopeful we may even consider the conference report on the floor of the House tomorrow before adjourning for the week. Three bills, Energy and Water Development, Transportation, and Treasury-Postal, have passed both bodies and are currently in conference. Two bills, foreign operations and VA–HUD, have passed both bodies and are awaiting appointment of conferees. Two bills, Labor–HHS and Commerce-Justice, passed the House and are awaiting floor consideration in the Senate. The bill on the District of Columbia has not yet been reported to the House, but we anticipate that it could be considered in the coming days.

We are well on our way, Mr. Speaker, to completing congressional action on all of these bills. Not all will be signed at the outset when they are presented to the President. Some may be vetoed, but until action on all 13 is completed and they are enacted, we will need to have a continuing resolution.

We need to continue Government while maintaining funding prerogatives and providing incentives to get all 13 bills signed into law. The key features of this continuing resolution are, first, that its funding levels are below, and I have to stress that, Mr. Speaker, they are below the section 602(a) levels of the budget resolution. In order words, any projected savings that we anticipated with the 13 appropriations bills in fiscal year 1996 leadership likewise will be achieved, and we will exceed those savings under the rates in the continuing resolution during its term of no more than 6 weeks.

As such, it will not be more attractive, because the savings are greater actually during the period of the continuing resolution, for the administration to sit back, not sign the appropriations bills and depend on a continuing resolution to fund Government. Also, because it does not produce the specific reductions we think are important, it provides an incentive to us to produce the bills that provide the savings we want.

The continuing resolution has restrictive funding rates but does not prematurely terminate any ongoing program. It does not allow for any new initiatives. It prevents costly furloughs and associated termination costs. It does not prejudge final funding decisions either up or down in the 13 regular bills. It establishes a climate which is conducive to all involved to produce 13 bills as soon as possible. It is clean of extraneous provisions. It runs until November 13 or until all of the regular bills are signed into law, whichever is sooner, meaning that as appropriation bills are signed by the President, all the programs within that bill are taken off the table and the continuing resolution pertains only to the bills which have not yet been signed into law under the normal appropriations process.

Mr. Speaker, this continuing resolution should be passed by the House and the Senate. If that occurs the President will sign it and we will avoid any unnecessary shutdown of the Government. It will give us the additional time we need to work out our remaining individual bills.

Mr. Speaker, I would strongly urge the adoption of this joint resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Louisiana [Mr. LIVINGSTON] for his kind comments.

Mr. Speaker, Let me simply say that I think this bill is very simple. It simply guarantees that the functions of Government will continue and that innocent Federal workers will not, through no fault of their own, be furloughed because the Congress itself has not yet completed its work on appropriation matters.

I appreciate very much the flexible attitude of the gentleman from Louisiana. As he knows I was especially concerned yesterday when things appeared to be breaking down, and I am happy that a little frank private talk could resolve those matters in a very short period of time, and I appreciate the gentleman's help on that.

Mr. Speaker, I would simply say that, as the gentleman from Louisiana has indicated, this bill creates some additional pressure on both sides, both the White House and the Congress, to finish action on the appropriation bills on which action has not yet been completed, because it contains a spending level which is lower than the level provided for in the budget resolution. It also works out a reasonable way of dealing with the differences in funding levels between the bills in the two Houses. It does not unfairly advantage either the White House or the Congress in the disagreements that are still pending, and I think it is well worth the support of people in this body.

Mr. Speaker, those who say that somehow the way to avoid these potential train wreck problems is some procedural fix, I would urge a bit of caution on that. It has been my experience that these bills get finished when the committee is allowed to do its work without outside forces and pressures intervening, and I think we demonstrated that last year, for instance, when every single appropriation bill was passed by the House and by the Senate and signed by the President before the expiration of the fiscal year.

When other events intervene as they have this year, it makes it very difficult for the committee to do its work So this is the responsible thing to do. It does not cause unnecessary turmoil in the country just because there are strong differences on legislation before this body. Dick Bolling, my old mentor in the House taught me that when you do not have the votes you talk, and when you do have the votes you vote. So I would just as soon we get to the voting, as soon as the gentleman assures me there are no other speakers.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I have one remaining speaker and, otherwise, we will not ask for additional time.

I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

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Mr. ROGERS. Mr. Speaker, I want to congratulate the distinguished chairman of the full Committee on Appropriations for his great leadership in bringing about this step forward that we are making today, along with the help of the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking Democrat on the committee. These two gentlemen should be congratulated by the entire country for the work that they have done, their yeoman's work over the last several days in trying to avert the shutdown of the Federal Government.

Mr. Speaker, shortly I will offer a technical amendment to the bill to assure that international broadcasting operations under the United States Information Agency are covered under the terms of this continuing resolution.

What the amendment does is waive the provision in the 1994 International Broadcasting Act which says that no

appropriation can be provided unless previously authorized.

Since there is no authorization in place, no appropriation could be provided for the next 43 days without this waiver, and international broadcasting operations would have to shut down.

There are already waivers in the continuing resolution for all the programs at the State Department, the Agency for International Development, the Arms Control and Disarmament Agency, and other programs at USIA, but it was not until last night that their lawyers discovered that in the 1994 Act, a requirement was inserted applying to international broadcasting that requires a separate waiver.

Since then, the Director of USIA has called requesting this; the Office of Management and Budget says it is necessary; the chairman of the Committee on International Relations has requested it; and the ranking minority member of the committee has concurred.

AMENDMENT OFFERED BY MR. ROGERS

Mr. Speaker, I offer an amendment, and I ask unanimous consent that it may be considered at this point, and that the previous question be considered as ordered on the amendment and on the joint resolution in accordance with House Resolution 230.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 2, line 16, after ''1948,'', insert the following: ''section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236),''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

Mr. HOYER. Mr. Speaker, while I rise in support of the continuing resolution, I want to express my deep regret that the leadership has waited until 3 days prior to the end of the fiscal year to bring this important bill to the floor.

For the last 2 months, the Federal Government has invested an enormous amount of time and effort preparing for a possible shutdown of Government operations beginning this weekend.

While I am glad that this scenario will not occur, I very much regret the leadership's decision to allow millions of dollars to be spent in preparation for such a shutdown.

In addition to the expense, this delay has caused unnecessary worry for Federal employees in Maryland and throughout our Nation who have children to feed and mortgages to pay. Some of my colleagues may have found it amusing rhetoric to talk about a furlough of many of our civil servants, but I believe it is the wrong way to treat those who have committed themselves to public service.

A private company that treated its employees this way could certainly not expect the best and the brightest to stay on staff.

In August I pressed for the Appropriations Committee to hold a hearing on a possible shutdown. While I can think of no more important issue for the committee to consider, we have yet to have a single hearing.

On September 13, during consideration of the Treasury, Postal Service, General Government Appropriations Conference, I offered a continuing resolution to keep the Government operating after September 30.

At that time it was clear that the Congress would not get all of the appropriations measures to the President by the end of the fiscal year. Despite the fact that it was clear then that a crisis was imminent, none of the Republican house conferees supported my motion.

My intention in offering that resolution was to ensure that no Federal employee would be furloughed. I am pleased that the leadership has accepted my contention that no employees should be laid off even if the House or the Senate or both bodies have made substantial cuts in fiscal 1996 funding.

While I join in supporting this measure, I think we should have passed it several weeks ago. Federal employees should not have been forced to wait until today to find out when they might next get a pay check.

Mr. MFUME. Mr. Speaker, I rise today in strong support of the continuing resolution and to urge its swift enactment.

This resolution, which I understand is a compromise worked out between the White House and the congressional Republican leadership, will allow the Government to continue to operate after the beginning of fiscal year 1996, and through November 13, 1995. This resolution will also mean that Federal employees will be allowed to continue to go to work and collect their paychecks.

As the representative of tens of thousands of Federal employees, I can assure you that this resolution is welcomed news. And, although I support the resolution, I would like to take a minute to reflect on why I feel that we should really be doing more. We should be exploring possible options of ensuring that Federal employees are not put in the unenviable position of not knowing if they are going to have a job—or a paycheck—after October 1 every year.

We may hear today that Federal employees are being used as ''pawns in the budget battle.'' While I agree that there does appear to be some merit to that accusation, it has always been my sense that in order to use a person or a group in that fashion, you must at least be aware of their existence.

I am not convinced that the concerns of Federal employees are even being taken into account by the people who are leading the confrontation that may still result in furloughs. From the Republican leadership, we hear strong words about not backing down and allowing the ''train wreck'' to go forward. Yet I have not heard from one of these ''leaders'' about trying to help, or at least abate the impact of a shut down, on the people who would be most affected.

Combine the threat of furloughs with the other proposals that have been floated this year which would have an adverse affect on Federal employees and the result is an unwarranted disrespect for the men and women who have chosen to work for the people of this Nation. Rather than place these dedicated people on a situation of constant uncertainty, we should be thanking them for their efforts on our behalf and providing them with the benefits and security that they deserve.

There are Members, on both sides of the aisle, who have been working hard to try to ensure that Federal employees are not adversely affected by a Government-wide shut down. I have tried to contribute to these efforts and I certainly support them. I am hopeful that at some point in the very near future we will be successful and the budget problems that may exist between Congress and the White House do not result in sleepless nights and tension-filled days for Federal employees.

It is the right, and indeed perhaps the duty, of politicians to stand up for what they believe in and to fight for their principles. Yet I would urge them to try to develop a means of ensuring that our hard-working Federal employees are not the innocent victims of their convictions.

Until that time, I urge support of the continuing resolution and hope that my colleagues will join me in working towards its swift enactment.

Mr. LIVINGSTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution, as amended.

The joint resolution, as amended, was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 228 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1601.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space stations, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 27, 1995, all time for general debate had expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member offering

an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Space Station Authorization Act of 1995''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the National Aeronautics and Space Administration has restructured and redesigned the International Space Station, consolidated contract responsibility, and achieved program management, control, and stability;

(3) the significant involvement by private ventures in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners;

(4) further rescoping or redesigns of the International Space Station will lead to costly delays, increase costs to its international partners, discourage commercial involvement, and weaken the international space partnership necessary for future space projects;

(5) total program costs for development, assembly, and initial operations have been identified and capped to ensure financial discipline and maintain program schedule milestones;

(6) in order to contain costs, mission planning and engineering functions of the National Space Transportation System (Space Shuttle) program should be coordinated with the Space Station Program Office;

(7) complete program authorizations for large development programs promote program stability, reduce the potential for cost growth, and provide necessary assurance to international partners and commercial participants; and

(8) the International Space Station represents an important component of an adequately funded civil space program which balances human space flight with science, aeronautics, and technology.

The CHAIRMAN. Are there any amendments to section 2?

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration; and

(2) the term ''cost theat'' means a potential change to the program baseline documented as a potential cost by the Space Station Program Office.

SEC. 4. SPACE STATION COMPLETE PROGRAM AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there are authorized to be appropriated to the National Aeronautics and Space Administration for the period encompassing fiscal year 1996 and all subsequent fiscal years not to exceed $13,141,000,000, to remain available until expended, for complete development and assembly, of, and to provide for initial operations, through fiscal year 2002, of, the International Space Station. Not more than $2,121,000,000 may be appropriated for any one fiscal year.

(b) CERTIFICATION AND REPORT.—None of the funds authorized under subsection (a) may be appropriated for any fiscal year unless, within 60 days after the submission of the President's budget request for that fiscal year, the Administrator—

(1) certifies to the Congress that—

(A) the program reserves available for such fiscal year exceed the total of all cost threats known at the time of certification;

(B) the Administrator does not foresee delays in the International Space Station's development or assembly, including any delays relating to agreements between the United States and its international partners; and

(C) the International Space Station can be fully developed and assemble without requiring further authorization of appropriations beyond amounts authorized under subsection (a); or

(2) submits to the Congress a report which describes—

(A) the circumstances which prevent a certification under paragraph (1);

(B) remedial actions undertaken or to be undertaken with respect to such circumstances;

(C) the effects of such circumstances on the development and assembly of the International Space Station; and

(D) the justification for proceeding with the program, if appropriate.

If the Administrator submits a report under paragraph (2), such report shall include any comments relating thereto submitted to the Administrator by any involved party.

(c) Neutral Buoyancy Laboratory.—The Administrator is authorized to exercise an option to purchase, for not more than $35,000,000, the Clear Lake Development Facility, containing the Sonny Carter Training Facility and the approximately 13.7 acre parcel of land on which it is located, using funds authorized by this Act.

SEC. 5. COORDINATED WITH SPACE SHUTTLE.

The Administrator shall—

(1) coordinate the engineering functions of the Space Shuttle program with the Space Station Program Office to minimize overlapping activities; and

(2) in the interest of safety and the successful integration of human spacecraft development with human spacecraft development with human spaceflight operations, maintain at one lead center the complementary capabilities of human spacecraft engineering and astronaut training.

SEC. 6. COMMERCIALIZING OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to find operations.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the submission of the President's budget request for fiscal year 1997, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Federal Government from commercial users of the Space Station.

SEC. 7. SENSE OF CONGRESS

It is the sense of Congress that the ''cost incentive fee'' single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial accountability into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation's civil space program.

SEC. 8. SPACE STATION ACCOUNTING REPORT.

Within one year after the date of enactment of this Act, and annually thereafter, the Administrator shall transmit to the Congress a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

Mr. BEVILL. Mr. Chairman, I rise today in strong support of H.R. 1601, the international space station authorization. This legislation firmly establishes the space station as a national priority. In fact, it sets completion of the space station as NASA's highest priority.

I commend the committee for crafting a bill that authorizes adequate funding to complete this project. Stable funding is essential to the success of the space station program. At the same time, we want to make sure that the project stays on time and on budget. This legislation contains those safeguards.

As you know, the space station is the largest cooperative science program in the world. It has become a premier international undertaking with the participation of the United States, Canada, Japan, the European Space Agency, and Russia. Our international partners expect us to meet our obligations. This legislation will send a strong message that the United States is committed to completing the space station on schedule.

NASA has made great strides in streamlining the space station program. The changes have been extremely positive and excellent progress has been made. Much of the actual flight hardware has been completed and the redesign of the space station has succeeded in lowering its expected cost. The timetable for completion has been advanced and a launch schedule has been firmly established for late 1997.

The space station is important to the future of high technology in this country. It will help us advance into the 21st century and keep us on the cutting edge in our scientific endeavors.

I urge my colleagues to support this important legislation.

Ms. LOFGREN. Mr. Chairman, I rise in strong support of H.R. 1601, the international space station authorization.

Space station *Freedom* represents a challenge for the 21st century. Not since President John Kennedy challenged this country to land a man on the Moon has this country had such an opportunity to respond.

The space program has already given us new technologies and products that have enhanced the quality of our lives.

Technological spinoffs from space research have produced important benefits for our society. The development of high-speed computers and the creation of programs and software has improved industrial engineering. Other advances in computers, miniaturization, electronics, robotics, and materials have dramatically affected industrial production and U.S. technological competitiveness.

Advances in biomedical technology from the space program are abundant, particularly in the areas of monitoring, diagnostic, and testing equipment. Devices such as the electroencephalograph [EEG] and the electrocardiogram [EKG], pacemakers and medical scanners have their origins in equipment developed for the space program. Other medical advances include surgical tools, voice operated wheelchairs, and an implantable insulin delivery system.

New products such as photovoltaic power cells, improved thermal underwear, digital clocks, battery-powered hand tools and scratch-resistant coating for glasses are only a few of the useful innovations that are a direct result of the space program.

All of these advancements have provided great benefits to our society, but as I said during committee consideration of the space station: The truth is we don't know all of the innovations, discoveries, and prosperity the space station will bring to us.

Detractors of the space station will argue that during these times of tough budget decisions we just can't afford it. We have problems in this country, and we need to tend to them. Having said that, I would point out that cutting the space station *Freedom* is not going to solve them.

Our country will not be stronger, greater, braver, or more prosperous if we pull back and retreat from human space exploration.

In fact, it will be just the opposite. It is during times like these that we have to rekindle the human spirit and intellect. To look forward to the future with hope, daring, and vision. To do less would be to quit. Give up. That is not the spirit that has made this country great.

There is a quote from Tennyson on the wall of the House Science Committee hearing room that says,

> For I dipped into the future, far as human eyes could see
> Saw the vision of the world and all the wonder that would be.

Tennyson held in wonder the world—we now hold in wonder the universe.

I ask my colleagues to support space station *Freedom.*

Ms. HARMAN. Mr. Chairman, I rise today to support both H.R. 1601 and a strong, balanced space program.

Exactly 2 months ago, the House decisively defeated an amendment to terminate funding for the international space station. Today, we have the opportunity to pass a multi-year space station authorization bill. This legislation will provide the program with much-needed stability and will show our partners from around the globe that we are firmly committed to this truly international space station.

The bill contains an amendment I offered which was adopted by voice in the Space and Aeronautics Subcommittee, providing that the station is an important part of an adequately funded space program that balances human space flight with key science, aeronautics, and technology initiatives like the Mission to Planet Earth.

Mr. Chairman, our country needs a strong and balanced space program. The international space station needs stability once and for all. I urge my colleagues to support H.R. 1601.

Mr. DAVIS. Mr. Chairman, I rise today to express my support for H.R. 1601, the International Space Station Authorization Act of 1995. This bill gives NASA the authority to proceed with its current space station development plan, extending the authorization through complete assembly in fiscal year 2002. H.R. 1601 authorizes a total of $13.1 billion for station, with authorizations not to exceed $2.1 billion in any 1 fiscal year. Importantly, the authorization is conditioned upon each year's success, meaning NASA must be on time and on budget for this legislation to remain effective.

As you are aware the space station has gone through numerous redesigns since its inception in 1984, as the space station *Freedom* program. The redesigns and the on-again, off-again nature of space station budgets has led to increased costs. The bill before us is essential if we are to secure completion of the international space station, ensure reduced costs, and demonstrate to our international partners our commitment to completing this long-awaited project.

The international space station is the largest international scientific and technological endeavor ever undertaken. The project is taking shape not only here at home, but in 13 nations around the world. The space station will provide a permanent laboratory in an environment where gravity, temperature, and pressure can be changed and manipulated in such a way that is not possible on Earth. The opportunities for scientific and technical experimentation and for educational growth are unmatched. The station will clearly be the scientific testbed for the technologies of the future. It will allow us to expand our existing capabilities in areas such as telecommunications, medical research, and new and advanced industrial materials. And the technologies we develop in space will have immediate and practical applications for our citizens on Earth.

Mr. Chairman, the space station project is essential for the United States if we are to maintain our commitment and leadership in space. It will serve as the driving force for the technical R&D that will keep us competitive in the 21st century. Further, it will inspire our children, and foster their interest in space and science. I urge my colleagues to support H.R. 1601.

Mr. GANSKE. Mr. Speaker, I rise today in opposition to H.R. 1601, the International Space Station Authorization Act of 1995.

The American people are tired of Washington wasting their money on frivolous projects. Projects that begin with good intentions. Projects that grow in size and price and begin to take on a life of their own because no one has the courage to stop them.

Proponents of this bill state that we must authorize the space station for the next 7 years to demonstrate a commitment to our international partners. Meanwhile, we leave ourselves no way out should any of our partners decide to end or decrease their participation. And if they do drop out, we will be forced to increase our spending to pick up the slack, or publicly admit that we have spent billions on a failed program.

Full-program authorization is premature and ill-advised. Boeing has still not signed contracts with major subcontractors. International agreements have not been reached.

Space station supporters recognize that the program may not have the financial reserves to cover cost overruns. They acknowledge that our international partners are facing budget constraints and may not be able to fully participate. What they refuse to admit is that we do not need to spend $94 billion to construct and maintain the space station until 2012 in order to demonstrate a cooperative international effort in space.

I have too many questions and far too many doubts about the space station to support a 1-year, let alone a 7-year, $13 billion authorization. We cannot afford the space station and we cannot afford to make the space station NASA's top priority at the expenses of other worthwhile programs.

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute?

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HOBSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1601), to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station, pursuant to House Resolution 228, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 227 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 227

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this is an open rule for consideration of the bill, H.R. 1170, legislation to bolster in American voters the confidence that their democratic system is fair and just.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute as the original bill for the purpose of amendment, and each section will be considered as read.

Under this open rule amendment process, Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority and recognition to offer their amendments if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, we are at a critical time in our Nation's history. The very institutions of American democracy are threatened with increasing public discontentment, or at least apathy. Too many Americans are losing faith in our system, threatening the very foundation of the democracy that has served as the inspiration for people striving for freedom and democracy around the globe.

H.R. 1170, the first legislation introduced by my California colleague, the gentleman from Palm Springs [Mr. BONO], a new member of the Committee on the Judiciary, attempts to address in an exceedingly responsible fashion a legal practice that is undermining the faith that voters have in their statewide referendum systems. Basically, it is judge shopping.

As we have learned in the State of California, special interests often shop around to find an ideologically biased Federal judge to stop State referenda from taking effect by gaining a temporary injunction pending final court action. Of course, such final action can take many years.

H.R. 1170 is not an indictment of any particular judge. Nor is it an indictment of any past legal decision which resulted in a referendum in California, or any other State, not taking effect after it was passed by the State's voters. Instead, the legislation takes direct aim at the practice of judge shopping that stacks the deck in legal challenges in order to overturn the clearly expressed will of a State's populace.

At a time when many Americans believe that our political and legal systems are stacked in favor of special interests over the mass of voters and taxpayers, it is especially unsettling when an overwhelming statewide vote can be overturned, often in a matter of days, by a single Federal judge.

For example, and this actually was really the genesis of this legislation, when the people of California approved the highly emotional Proposition 187 by an overwhelming 3 to 2 margin, a single Federal judge in San Francisco issued an injunction when the polls had been closed for 24 hours keeping the measure from ever taking effect.

It does not matter whether the injunction in that case was technically warranted. The very fact that a Federal judge with a lifetime judicial appointment can single-handedly overturn the directly expressed will of the people of the State can, and does, undermine public confidence in our system.

Using a three-judge Federal panel to determine injunctions in cases of statewide voter referenda, as they are currently employed in cases involving voting rights, is a sensible insurance policy to bolster public confidence in our democratic process.

Mr. Speaker this rule provides, as I said, for an open amendment process. It is a fair rule, respectful of the right of every Member of this House to participate in debate.

There was no opposition to the rule in the Committee on Rules, and I look forward to rapid and bipartisan approval of the rule now so that the House can get down to the very important business of considering this bill.

Mr. Speaker, I include for the RECORD the following material.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 28, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	74
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	3	4
Totals:	104	100	68	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 28, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 28, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/11/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

☐ 1145

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we support this open rule for H.R. 1170, the bill mandating that three-judge panels review constitutional challenges of State referenda.

With respect to the bill itself, we are somewhat mystified at the manner in which it has moved through committee and on to the House floor.

According to the dissenting views in the committee report, the Committee on the Judiciary rushed through the hearing and markup of H.R. 1170 before the Judicial Conference of the United States had an opportunity to consider the bill and provide the committee with the benefit of its views.

The conference's official views would have been especially important to the Committee on the Judiciary in this case since the conference has consistently, since 1970, opposed three-judge courts except for certain reapportionment cases.

The 12 members signing the dissenting views noted that, and I quote them:

not for the first time this year, the Judiciary Committee majority has ridden roughshod over the Federal judiciary, taking action on measures with a significant impact on the workload of the Federal judiciary without waiting the short period of time it would take to permit the Judicial Conference to consider those measures and give the committee the benefit of its views.

Mr. Speaker, the Committee on Rules should have a fundamental concern about process, about the manner in which committees that come to us have considered the legislation under their jurisdiction.

We ought to ensure that there is no perception that the standing committees have given inadequate thought to measures they report out to the floor for consideration by the full membership of the House, that there has not been a sufficiently deliberative committee process prior to consideration by the full House.

That is especially applicable in the consideration of legislation such as this, that has no need at all to be rushed.

Mr. Speaker, H.R. 1170 was written because of frustration with the injunction granted by a Federal court preventing immediate enforcement of California's proposition 187.

As a Californian, I think it is fair to say that everyone in California, even those of us who voted against this very

controversial immigration-related referendum, is anxious for a resolution of the matter.

It is also fair to say that many proponents of this referendum knew from the beginning that it had very serious constitutional problems and that those problems would hold up its implementation because they would have to be tested in court.

In fact, the major proponents of proposition 187 always described it as a means of sending a message to the Federal Government. They knew it would run into the very problems this bill is seeking to prevent, not only in Federal courts but also in the State courts, one of which, incidentally, has issued an injunction against its taking effect because it raised substantial questions about the State's involvement in Federal areas of jurisdiction.

Members should also be very concerned, we think, about voting for legislation like this that would mandate an appeal directly to the Supreme Court from the decision of a three-judge court. The Judicial Conference has argued that this procedure bypasses the screening and fact-finding that occurs at the court of appeals level, and circumvents the development of legal interpretations through the various circuits.

As the Judicial Conference recently wrote, and I quote them:

Bypassing intermediate appellate review prior to ultimate consideration of constitutional issues by the Supreme Court is an extraordinary measure that should be left to the Supreme Court in the exercise of its constitutional responsibilities.

Members should also carefully consider whether Congress should be saying, in effect, that one method of enacting a State law is preferred over another. The premise of H.R. 1170 is that a State law enacted by a ballot measure passed by the voters is somehow more worthy than one enacted by a State legislature, and that the Federal judiciary should be mandated to give preferential treatment to State laws adopted by referendum. As UCLA law professor Evan Caminker recently said, and I quote:

It ought to make no difference that it is a ballot measure, because the people have no greater authority to transgress the Constitution than does the State legislature.

Mr. Speaker,, we do support this rule. It is an open rule, but we are concerned about the legislation and the need for it and the need to rush it to judgment here on the floor. We urge the adoption of the rule so that we can proceed today with the debate on this bill and, hopefully, a full discussion of what it will and will not accomplish.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule and does not seem to be controversial. I urge an ''aye'' vote on this rule. I am a strong supporter of the legislation of the gentleman from California, Mr. BONO, and should say that I believe it is a great day when Mr. BONO has seen something that he believes is wrong and needs to be corrected and has stepped forward and introduced this legislation and has come before our Committee on Rules and will be in just a very few minutes speaking here on the floor for this legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during considertion of H.R. 1170, pursuant to House Resolution 227 the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee on the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from California?

There was no objection.

THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1170.

□ 1151

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 1170, which provides for a three-judge court review of statewide referenda.

H.R. 1170 provides that requests for injunctions in cases challenging the constitutionality of measures passed by State referendum must be heard by a three-judge panel. Like other Federal legislation containing a provision providing for a hearing by a three-judge court, H.R. 1170 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the populace of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 when an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

In effect, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other Voting Rights Act cases.

H.R. 1170 recognizes that referenda reflect, more than any other process, the one-person, one-vote system, and seeks to protect a fundamental part of our national foundation.

Unlike other acts which provided for three-judge court consideration of constitutional challenges to State laws prior to the abolishment of many such panels in 1976, H.R. 1170 is specifically limited to State laws which are voted on directly by the entire populace of a State. This legislation more closely parallels apportionment and Voting Rights Act cases which traditionally have been granted three-judge court panel consideration by Congress because of the importance of such cases and because such cases are presented so rarely they do not present the same burden on the courts as cases which involve constitutional challenges to general State laws passed by the ordinary State legislative process. Thirty-six States have some sort of referendum system.

A Congressional Research Service survey conducted on March 9, 1995, reveals that over the past 10 years, only

10 cases in the Nation would have been eligible for review by the three-judge court procedure provided under H.R. 1170. Given that this statute would only require a three-judge panel in actions for injunctive relief which attack the constitutionality of a state-wide referendum, the burden on the judiciary as a result of this legislation is very small. The importance of this bill to Federal-State relations, however, is great.

H.R. 1170 will assure that State laws adopted by referendum or initiative, reflecting the direct will of the electorate of a State on a given issue, will be afforded greater reverence than measures passed generally by representative bodies because of their importance and their expression of the direct vote of the populace of a State.

The use of a three-judge court is imperative to the proper balance of State-Federal relations in cases such as these where one Federal judge can otherwise impede the direct will of the people of a State because he or she disagrees with the constitutionality of the provision passed. A three-judge court panel will help to provide fairer, less politically motivated consideration of cases.

Mr. Chairman, if a law passed directly by the majority of the people of a State is unconstitutional, then the people have a right to a final decision on the merits as soon as practicable. H.R. 1170, as reported by the Committee on the Judiciary, will safeguard the direct expression of democracy, and preserve individual voting rights.

I urge a favorable vote on H.R. 1170.

Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, on this bill, can I just say to my colleagues, let us talk? I mean, this sounds like something very easy, but it is very complex and I think it is not a solution for the problem that some are saying it is.

My fear is, whenever we adopt something telling people we have just solved a problem and then they later find out we have not solved it at all, it only builds voter frustration.

It is very clear that this bill arose out of Californians' frustrations with having passed proposition 187 and then having had a Federal judge say that that proposition was unconstitutional. Listen to the words, that is what they are saying. So they are saying, well, that judge was probably biased and what we really need is a three-judge panel and that would not happen.

Let us go to that very issue, because this would not have solved, if we had this on the books at the time that proposition 187 went to the courts, this would not have solved that problem.

□ 1200

No. 1, the State court judge also held it was unconstitutional. This goes to the Federal court, so it would not have done anything about the State court.

No. 2, enough time has passed so the Federal judge who held it was unconstitutional, people had time to appeal it to the court of appeals, which are three Federal judges, and they unanimously held it was also unconstitutional. So we have the State court saying it is unconstitutional, we have the Federal court saying it is unconstitutional. And to stand up and say that if we pass today a bill 1170, which will solve these kind of issues, is really, I think, not accurate.

Now, let me also say there are some other problems with this bill. We are saying to the States that if a legislature passes a bill to which citizens have a challenge on constitutionality, that will be treated differently than if there is a referendum.

Now, why? The Constitution is the Constitution, and the courts are the courts, and why isn't a constitutional issue, whether it is passed by the legislature or passed by referendum, equally as important to deal with in the same way? I do not understand that, and I think people would think there is an awful lot of arrogance if we start deciding one requires more judges than the other or whatever.

There are other problems with this. In 1976, both the House and the Senate, I believe unanimously, repealed this very same procedure on a three judge court. Why? Well, there was all sorts of rhetoric at that time about how it was the worst idea that ever happened, because what we are really doing today by going back and undoing what we did in 1976 is we are mandating that Federal courts have to act a certain way.

Everybody talks about mandates, and one more time we have got one branch mandating on another branch how they are going to allocate their resources. On the one hearing that we did have, the Federal courts were very clear that these three judge panels are very difficult to deal with.

Why? Because each judge in every Federal circuit is up to here with their agenda. They have got drug cases, criminal cases, all sorts of cases. There is no American that does not know we have a terrific backlog and all sorts of pressure on the Federal courts. If instead of going to one judge you now have to pull three judges out of their courtroom and you have to put this at the front of everything, you are going to be delaying all sorts of other issues and all sorts of other progress, and you are not giving the courts more resources, you are not doing everything else.

So this is a judicial mandate. The Federal courts have spoken very clearly through their policy branch, under Justice Rehnquist, who is not a left-leaning liberal, for heaven's sake. They have spoken very clearly that they think this is not the right bill; this is the wrong bill. They hope people vote against this bill because of the tremendous management problems it will give the Federal courts.

When you look at many of the other issues around, you find that the other thing this bill does is it mandates each one of these coming from a referendum will go from the three-judge panel right to the Supreme Court, and that the Supreme Court will not have any option as to whether or not to take the case. They must take the case.

So we are also mandating the Supreme Court must have to do this. Now, this is also very critical, because I think, again, every American knows there are all sorts of issues that want to get to the Supreme Court. The Supreme Court has a process. This will be much more complex for the Supreme Court to handle than any other case, because any other case comes to the Supreme Court with an appellate decision from an appellate court. This will not be an appellate-type decision. This will be a district court-type decision with three judges trying to decide what the rules of evidence and every other issue must be.

Imagine three Judge Ito's. That is kind of what you are going to have here, and that is a very different process. So you are going to get an entirely different kind of record that is going to be much more difficult for the Supreme Court to handle.

Again, why is a constitutional issue coming from referendum able to go directly to the Supreme Court, whereas one that is passed by a legislative body in a democratic system not guaranteed that same access and so forth? Furthermore, people going this route, through the three-judge panel, will be denied the court of appeals route. So there are all sorts of things in here that I think are terribly confusing.

The bottom line, I think, behind this bill is whether or not the Constitution is a rough draft, whether or not people can amend it simply by having a referendum.

One of the great things in this country has been the Constitution has not been a rough draft. I always thought we in this body said we were to protect and defend the Constitution. Apparently some people think it is protect and amend. But I feel very strongly that, yes, it is frustrating sometimes; yes, sometimes we do not like to have to honor minority rights; and yes, there are some things in the Constitution that probably bother every single American citizen. But basically it has been a fair document, and we have said we are a government of laws and not of men, and that a majority cannot overrule the Constitution and impose its will on the minority.

I think that is really what the crux of this complaint is about. The crux of the complaint is about the fact that the citizens of California wanted to overrule the Constitution when it came to proposition 187. A Federal judge said no, they could not, and, guess what? So

did the State judge and so did now the court of appeals. So now we are going to try and tell them, well, that Federal judge was wrong, the court of appeals was wrong, the State judge was wrong, and, if we only had this process, it would have come out with a different answer. No, I do not think they would. In the interim we are going to mess up this whole thing.

You are going to hear on the other side too ''forum shopping, forum shopping, forum shopping.'' If that is truly your concern, we have an amendment that would limit this process to circuits where they do not apply and put the judge on according to the normal way.

When this case came to the district in California where it was assigned, there were 25 judges on that bench and it was assigned in the normal rotating way. So if you said you were forum shopping for a judge, I do not know how you could do that when there are 25 judges there and they are assigned routinely in a rotating manner.

But I will offer an amendment when we get into the amendment process that would narrow this so that if there are any circuits where there are just one or two judges, so you could forum shop, or where there is any circuit where they do not use the traditional rotation, then, of course, you could have this process, and it would keep people from forum shopping.

That will go right directly to the forum shopping. But other than that I think this is much too broad. It is like shooting flies with an automatic weapon. You are not going to get the fly, and you are apt to do a lot of other damage.

Mr. Chairman, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, first of all, I would like to say that this is a tremendous honor for me, because the last thing I thought I would be doing at this time in my life is being a Congressman. These kind of things only happen in America. It is so magical that a citizen can have views, and then decide to get involved, and then decide they are willing to make the effort to get elected, and then get elected, and then submit bills that you think will improve the country or contribute to the country and to society.

So, for me, this is the first time for me. For me to come here and make this contribution to my country is a tremendous honor, and I will never forget it.

In this case, being a Californian, I saw the people speak. Five million people spoke, and they believed in something. They went to the polls and they turned out in droves. They had a comment, and they had a feeling, and they decided they wanted justice. They were so dedicated that they themselves put their signature on the change that they wanted in our country, and that part worked fine.

But after that part, what happened is someone who opposes their view is very politically savvy and very legally savvy, and knows the ins and outs and how to do something, so they forum shop.

Well, I did not even know what forum shopping means. But forum shopping is going to an area or a district where the judge is sympathetic to the opposition, and decides to help the opposition and bury the very referendum that was voted on unanimously by the people.

So this injustice has been going on. And it occurred to me that if the people speak, we represent the people, and their voice is the most important voice of all voices, and if we do not represent their voice and if we do not fight for what they believe in, then we are not doing our job. This all becomes a charade and a game.

Not being a politician, but being a very patriotic American, I want to fight with them as well. So now here I am able to carry the banner for them, and I have come up with a bill that I think will eliminate this injustice that occurs now when the people speak. It simply requires, rather than being able to go to one Federal judge who has an opposing opinion and have him bury that referendum, which, by the way, is still tied up in the courts, it will require three judges. That will give that referendum an opportunity to be represented more fairly, because it is going to be hard to get three people that are biased the same way.

So with all the legal rhetoric that the gentlewoman has just given us, you know, there is legal rhetoric, and then there are the facts. And fact is that this is a game, and the game is if you lose at the polls, we have got another angle. We will get it to a judge who will bury it for us.

Those are the kind of things that we want to get rid of. Those are the reasons that I ran for Congress and now am a Member of Congress, with great pride.

So as a first effort, and as my very first bill, I am asking this Congress to vote for this bill and correct this injustice.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume, only to say my understanding was that while the gentleman is saying there was judge shopping, this case went to a district that had 25 judges, sitting judges, and that it was randomly assigned. Then it was appealed to a three Federal judge panel at the Court of Appeals, two of whom were known to be very conservative.

Mr. MOORHEAD. If the gentlewoman will yield, I want the gentlewoman to know the California situation is not the reason that I am so strongly in favor of this bill.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, what the other gentleman from California said he did this because of judge shopping. I know the gentleman knows that the districts in California are run the way Federal districts are supposed to be run.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member.

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(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this is the California against proposition 187 proposal that claims that there was forum shopping when there was, in fact, none. I see my California colleagues are in strong array here, and I was happy that the gentleman from California [Mr. BONO] did not mention proposition 187 as the bill that sent him into his first legislative activity. The fact of the matter is, that the people of California did not know that proposition 187 was unconstitutional. I did not either, but the State court corrected that, I would say to the gentleman. Nobody was forum shopping there, and the Federal court supported it.

Mr. Chairman, can we not agree that these courts were not anti-Republican, were not against proposition 187, but that they found a fatal constitutional error that they were duty bound to profess and articulate as something that was not correct, even though 5 million, 10 million, 100 million sign it? That does not make it legal.

Let us be clear about this, Mr. Chairman, this is proposition 187 now coming to the House of Representatives. The proponents of this bill tell us we need to adopt three-judge panels to review constitutional challenges to State referenda to provide a more expedited review process. Did we not listen to the chief judge of the U.S. Court of Appeals who came and explained this to us at great length out of his very busy schedule, that if the one thing we wanted to do was to expedite an appeal is we should not put it in three courts.

Now, ladies and gentlemen, that is not awfully judicial concept to understand. We cannot take three judges and make something go faster than one judge. There was no forum shopping, so we are trying to fix something that is not broke. If anything, the bill will make it much more likely that the plaintiff will be able to tailor their lawsuit in an effort to obtain a favorable forum. How? knowing that the chief circuit judge will be given the discretion in selecting the panel members, the moving party can decide whether he or she is better off bringing the case in a State or Federal Court. So, Mr. Chairman, we will have achieved the precise opposite of the intended result.

And just to make everybody as happy as we can, we are going to give Members the Schroeder amendment that will correct even what we are imagining. We have a rotating system in almost all the Federal court jurisdictions. They are random. They rotate. There was not any hanky-panky in the California Federal courts, I am happy

to report. There can not be any in selection because it is random. So at the end of the day we are left here with the conclusion that it is not good policy to mandate greater use of the three-judge panels.

That is why this Congress, on a bipartisan basis, repealed almost all of the three-judge provisions in 1976. That is why the judicial conference, which must live with the burdensome requirements of this proposal before us, and the administration strongly oppose the bill. That is why most judges that have ever heard of this proposition are outraged that we would be moving back to pre-1976 to try to get back at a proposal in California that we felt badly that it was improperly worded and we held unconstitutional.

Mr. Chairman, the real tragedy, however, is the bill's proponents would have the voters believe that we are taking some magic action that will allow for fair and more expeditious legal challenges of State referenda. When they learn this is not the case, the blame will rightly lay with this body, so oppose H.R. 1170.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I want to extend congratulations to the gentleman from California [Mr. BONO], my friend from Palm Springs, for the valiant effort he has put into the legislation. As I was saying during management of the rule, he saw a wrong and decided to right it and he stepped forward and I am pleased we are able to proceed with this legislation.

I have been listening to debate here, and one thing that needs to be underscored is the fact that the U.S. Congress has consistently maintained the use of three-judge panels when it comes to issues of voting rights an voting procedure, and this legislation we are considering here today simply moves into a very small and limited areas that same provision.

Mr. Chairman, some have said this would be a tremendous burden. Well, we have seen 10 of these cases over the last 10 years. I think that as we recognize that, this is a very responsible route to take.

One of the questions that was raised, Mr. Chairman, and this was given to me by the gentleman from California [Mr. MOORHEAD], the subcommittee chairman, was why should legislation passed by statewide referenda be afforded preferential treatment? The answer is in this concurring opinion in Baker versus Carr V regarding apportionment.

Justice Clark explicitly recognized the similarity between State referenda and the protection provided by the constitutional prohibition of unfair apportionment. By use of a referendum, a State is reapportioned into a single voting district to vote directly on legislation. When the population exercises its individual vote, that process is revered as a cornerstone of our democracy. For that reason, apportionment cases go to a three-judge panel for the same reason the cases falling under H.R. 1170 should go to a three-judge panel.

This is very important legislation. I again congratulate the gentleman from California [Mr. BONO] for having the vision to introduce this measure and I urge my colleagues to support it.

Mrs. SCHROEDER. Mr. Chairman, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, it is almost comical to me, because the gentleman from California almost gave my speech. I think that as I sit listening to the gentleman from Michigan, Mr. CONYERS, even Mr. CONYERS, I do not think, would advocate—matter of fact, I will ask the gentleman.

I do not think the gentleman advocates, whether he does or does not, setting aside the mandatory three-judge panel under the 1965 Voting Rights Act. Would the gentleman be in support of that or not?

Mr. CONYERS. Mr. Chairman, if the gentleman would yield, no, I supported leaving it like it is.

Mr. BUYER. Mr. Chairman, the gentleman has indicated for the 1965 Voting Rights Act.

Mr. CONYERS. If the gentleman would continue to yield, does he?

Mr. BUYER. Yes, Mr. Chairman, I do also. I listened to the gentleman's arguments, and I wanted to make that clear.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I thought it might be helpful for the gentleman from Indiana [Mr. BUYER] to understand the historical and factual background in which the three-judge panel for voting rights cases was adopted initially. If the gentleman is interested in that, I would be happy to tell him. It had nothing to do with this kind of situation.

Mr. BUYER. Mr. Chairman, reclaiming my time, the three-judge panel is important because not only do we have the nexus of the 1965 Voting Rights Act, but we have that nexus the gentleman from California [Mr. DREIER] referred to when we have a State referendum. We have voters acting as one voting block, so there is a nexus. And I compliment the gentleman from California [Mr. BONO] for drafting this legislation.

Mr. Chairman, this legislation recognizes the nexus and the needs for the three-judge panel. Whether we want to debate this issue about the forum shopping or not, I think when we have the people's voice, we must respect the people's voice under the law.

So often, Mr. Chairman, people like to talk about the fact we have a democracy in America. We do not have a democracy, we have a republic, a nation of laws, not of people, for the preservation of the rights of the minority. When we have a State referendum acting with that nexus we are talking about, I think it is important to have that single judge move from that to the three-judge panel so we do not have this debate about whether they are acting as capricious or arbitrary authorities. I think it is imprudent and it would be an imprudent exercise of Federal power.

I compliment the gentleman from California [Mr. BONO] for his legislation and urge its passage.

Mrs. SCHROEDER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding me time and being generous with her time, and I will try not to use the entire time but I think this is an important issue.

I rise in opposition to the bill which is under debate at this time. The gentleman from California [Mr. BONO] apparently thinks that because he does not like the result that a court gave him changing the process by which the court got to that result is the appropriate thing to do.

I will submit to the gentleman that, first of all, I never, ever got a spanking when I was growing up that I liked the result of, but I never had the opportunity to go back and say, I want three mothers or fathers to make this decision about whether I get a spanking or not just because I did not like the result.

Mr. Chairman, I do not like the result when I get stopped by a highway patrolman out on the highway and get a traffic ticket.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I will not yield. The other side has plenty of time over there. I will be happy to yield after I get through making the points I want.

I do not have the right to ask for three highway patrolmen to come out on the street and decide whether it was proper for me to get a speeding ticket just because I do not like the result.

Mr. Chairman, what the gentleman from California [Mr. BONO] is proposing is tantamount to the same thing. We do not have the resources to bring to bear on the traffic ticket that I get out there.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman please stop interrupting me? I will yield at the end of my presentation.

The CHAIRMAN pro tempore (Mr. EWING). The gentleman declines to yield. The gentleman from North Carolina will continue.

Mr. WATT of North Carolina. Mr. Chairman, I will yield at the end of my presentation. If the other side is going

to interrupt me every time I get into the middle of a sentence, then I am going to do the same with them.

Mr. DREIER. Mr. Chairman, I have asked the gentleman to yield one time.

Mr. WATT of North Carolina. Mr. Chairman, they can pass around that right if they want, but I am not yielding at this time. I will be happy to yield if I have time left.

We do not have the resources. We are dealing with scarce resources right now. The Republicans tell us every day we have scarce resources and here we come. We do not like the result so we will change the process. Instead of using one judge, we are going to use three judges.

Now, Mr. Chairman, I want to go back to the point the gentleman from California [Mr. BONO] made. We should have three biases in a situation where a referendum has been held rather than one bias. I did not realize that our Federal Judiciary consisted of any biases. We go through a rigorous process of trying to select the best judges we can select, and we have a very intense process of appeals to the court of appeals, to the Supreme Court of the United States.

There are always appeals in the process if we do not like the process or bias of that particular judge. So this notion that we ought to bring three biases to bear on a referendum issue rather than the bias of one judge, I hope we do not bring any biases to bear. If they are looking at the Constitution and interpreting the Constitution in the way that the U.S. Supreme Court has indicated the Constitution ought to be interpreted, and in the way that we know is correct, then it ought not be a question of whether there are any biases or not.

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Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. Mr. Chairman, regular order. I will be happy to yield to the gentleman at the end of my presentation.

Mr. Chairman, if the gentleman from California [Mr. DREIER] wants to play this game, I am going to do it to him when the gentleman gets up.

Mr. DRIER. Mr. Chairman, I am used to it.

Mr. WATT of North Carolina. Mr. Chairman, I will be happy to yield to the gentleman at the end of my presentation.

Mr. Chairman, the third point I want to address is this notion that we ought to, basically, dictate to States that they have referenda in their States, rather than deciding their State's policies through the regular legislative process.

If we say we are going to provide a three-judge panel if they have a referendum, but we are not going to provide a three-judge panel if the State legislature meets and passes a law that is constitutionally suspect, then all we have done is we are going to give the States that have a preference for referenda some kind of deference. That ought not to be the case.

There are States who do not submit issues of this kind, or any other kind, to State referenda. In North Carolina, we seldom have a statewide referendum on any issue. That is what we elect State representatives for, to go and make public policy, and we ought not give a referendum State any greater deference than we give the regular legislative body.

Finally, Mr. Chairman, and then I will be happy to yield to the gentleman, and I will be happy to engage in whatever dialog the gentleman wants, and I hope the gentleman will yield to me and we can engage in it on his time.

Mr. Chairman, let me talk to my colleagues about the historical background for having a three-judge panel in voting rights cases. The Voting Rights Act was adopted in 1965, in the midst of overt racial discrimination in the South.

It applies, primarily, to southern States. All of the judges in the South were from the South. The process that was set up was to try to get those racial biases out of the process by bringing more people to bear on it. There was a historical record of why it was necessary.

Mr. Chairman, there is no record of anybody discriminating against the State of California. Nobody has come in here and said that the judges have discriminated against the State of California.

The State court in California also held unconstitutional this proposition that you are concerned about the result of. The Federal court held it unconstitutional, and the State court held it unconstitutional.

So, are we asking for a three-judge panel in the State courts of California also? Are we accusing the State courts of discriminating against California?

There was a factual basis for a three-judge panel in voting rights cases. There is simply not that factual basis in this case.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentleman from North Carolina [Mr. WATT], my friend, very much for yielding and I compliment him on his statement, even though I have disagreement with it.

We need to realize that in cases of voting rights, Baker verses Carr.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, are we going to have a dialog or is the gentleman going to give a speech? If the gentleman is going to give a speech, I want the gentleman to do it on his time.

Mr. DREIER. Mr. Chairman, I was going to respond to the three mothers and the three highway patrolmen, but if the gentleman does not want me to, that is fine.

Mr. WATT of North Carolina. Mr. Chairman, I yield back the balance of my time, since the gentleman from California does not want to engage in a dialog; the gentleman wants to make a speech.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I want to respond to a couple of things the gentleman from North Carolina [Mr. WATT] said. It is perfectly legitimate, it is utterly appropriate that we would actually give a preference to referenda, popular referenda, State referenda, because that is the only instance in which the people speak themselves. It is the purest form of democracy that we have got and we ought to do everything in our power to protect that, to give assurance to the people, to let them know, without any question, that that will be respected and that will be given a preference, if you will, and a larger standing or a higher standing than the legislative process.

Mr. Chairman, what happens in the legislative body? People get elected and they make decisions as representatives, but in a referendum it is the only time that we actually have the equivalent of a statewide town meeting. We have a situation in California where there were 5 million people and their voice was then drowned out by one individual.

The fact is, and the gentleman from North Carolina brings up a good point, the fact is that we are obviously admitting that there are the possibilities of imperfections in our Federal judiciary and that we are going to do a better job of dealing with those imperfections in a say that spreads it out, that balances it out, so that we cannot have an abuse and so we cannot have a forum shopping situation where we look for a particular judge.

We work specifically and hard to make sure that there is not only the reality of fairness but, in fact, the perception of fairness. Because this is the way that we ensure that these Democratic institutions have the confidence of the people.

Mr. Chairman, the other thing I would like to say is that I find it a little bit silly to listen to the fiscal responsibility argument regarding this; that somehow we cannot afford—in the handful of cases that will be brought up under this across the country—we cannot afford a three-judge panel instead of a one-judge panel to decide these matters.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from North Carolina.

Mr. WATT of North Caroline. Mr. Chairman, the gentleman is saying to transport three judges to a central location, three sets of clerks, court reporters to a central location is not something that we ought to be concerned about? That is an expenditure of the taxpayers' money.

Mr. HOKE. Mr. Chairman, reclaiming my time, of course I am not saying that. What I am saying is that the benefit far, far, far, outweighs the burden.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, what I think we are seeing on this side of the aisle is that we had about 5 million Californians overridden by 1 judge. Prop 187 was approved by an overwhelming majority of Californians, and a couple of other issues. We are just saying that is wrong and we would like to make sure that that does not happen again.

Mrs. SCHROEDER. Mr. Chairman, could I inquire, please, of the remaining time on both sides?

The CHAIRMAN (Mr. EWING). The gentlewoman from Colorado [Mrs. SCHROEDER] has 6½ minutes remaining and the gentleman from California [Mr. MOORHEAD] has 12 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, could the gentleman from California use a little more of his time, because the remaining time is unbalanced.

Mr. MOORHEAD. Mr. Chairman, may I inquire how many more speakers the gentlewoman has?

Mrs. SCHROEDER. At least one, and maybe more.

Mr. MOORHEAD. Mr. Chairman, I would not like to get to the end and the gentlewoman have 10 minutes remaining for one speaker to speak and we have nothing.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of H.R. 1170. As was mentioned, we talk about 5 million Californians speaking out last year in support of an initiative that passed by overwhelming majority and 1 man silenced their voice. If there is one thing I hear on the central coast of California, our constituents are very concerned, whether real or not, about the shopping for a judge that is going to come out with a decision that is opposite the majority voice on this. Whether it is real or perceived it is there.

State referenda are special. They allow, more than any other process, the direct will of the majority of citizens in that State to be heard. I do not believe any single person without accountability to anyone should have the power to dismiss that will.

Mr. Chairman, under the current system, a single judge can suspend the direct will of the majority indefinitely without answering to anyone. This bill simply rectifies the unjust situation. It provides for three judges to come to a professional consensus on whether a radical action, such as the injunction, has merit. The judges' consideration of the case is specifically limited to the State laws which are voted on directly by the entire populace of the State.

There are those who will say that this legislation will bog down the court review process with unneeded appeals, but I say do not believe them, because the Congressional Research Service did a survey that revealed that only 10 cases in the last decade would be eligible for review by a three-judge court under this bill.

Mr. Chairman, I just would encourage this bill to be heard and passed on. It recognizes that State referenda reflect, more than any other process, the one-person one-vote system. It seeks to protect a fundamental part of our national foundation. Laws that come directly from the people should not, be easily set aside. We should not, and will not be held in legal limbo by those losing litigators.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California [Mr. MOORHEAD] the chairman of our subcommittee, for yielding this time to me, and I also compliment the gentleman from California [Mr. BONO] for this fine piece of legislation that will simply give greater assurance to people participating in statewide referendums that they are not going to be overturned by a single judge who may be basing his opinion on something that is not sound judgment.

Mr. Chairman, this is something that is going to help prevent forum shopping. This is going to help prevent the kind of delays that are experienced in these cases. It has now been nearly a year since proposition 187 was voted on by more than 5 million voters in the State of California and we still do not have a final resolution of this case.

Mr. Chairman, when millions of people take the time to vote, time away from work, time away from their family, significant inconvenience, sometimes significant cost, they have the right to be assured that their vote is being effectively and carefully considered and a three-judge panel simply gives them that assurance.

Mr. Chairman, this does not apply in the case of proposition 187, but that is a good example of why we need to have this kind of assurance, simply because of the fact that three judges will be more carefully looking at this right from the start, rather than as a situation that has dragged on for a considerable period of time.

In the past 10 years, there have been only 10 instances where this has been used. So when judges complain that this is a burden on the judiciary, that simply is not the case. When we add up the collective burden of millions of people gong to vote in a referenda and then being told by one judge that their votes did not count for anything, I think we have a substantial justification for having a three-judge panel in those instances.

Mr. Chairman, each time this is used, it is used for very important and very significant reasons and I think it is highly justified and properly called for; very comparable to the other instances in which we use three-judge panels. Mr. Chairman, I urge my colleagues to support the bill.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I wonder if I could ask the sponsors some questions. I have a copy of the bill. I wonder if the gentleman from California, [Mr. BONO] could answer some questions about the exact language of the bill.

Mr. Chairman, on line 11 of page 2 of the bill, the gentleman from California [Mr. BONO] mentioned that these cases would be heard by a three-judge panel, and then appealed only directly to the Supreme Court. Is my understanding correct?

Mr. BONO. Mr. Chairman, will the gentleman yield?

Mr. WARD. I yield to the gentleman from California.

☐ 1245

Mr. BONO. Mr. Chairman, the gentleman is correct. Under U.S.C. 2284, that is the procedure.

Mr. WARD. Mr. Chairman, I wonder if I could ask, what other kinds of cases are sent. I know redistricting cases are sent directly to the Supreme Court. I wonder what other kinds of cases.

Mr. BOND. Mr. Chairman, if the gentleman will continue to yield, voting rights cases.

Mr. WARD. But are there any other cases? I will wait until the gentleman gets some advice there.

Mr. BONO. Mr. Chairman, redistricting and Voting Rights Act cases.

Mr. WARD. Well, Mr. Chairman, this is an open rule. I wonder if the gentleman would be amenable to our adding a whole range of other things that are vitally important, drug kingpin cases, so that we do not have delayed justice or the Oklahoma City bombing case or a case of a Presidential assassination? If a referendum would be that important to see appealed directly to the Supreme Court, I wonder what other kinds of things the gentleman might include.

Mr. BONO. Mr. Chairman, the gentleman is welcome to make any amendments the gentleman cares to. However, it is a very simple bill. It represents the people of America. It is uncomplicated. I am not a lawyer, but I feel very strongly that the people deserve this representation. And it goes to constitutionality. It really, in my view, does not need any altering.

Mr. WARD. But the gentleman is saying I may offer any amendment I wish?

Mr. BONO. That is what an open rule means.

Mr. WARD. Would the gentleman not be supportive? As the gentleman knows, in this context of an open rule, we still have to have the assent of the sponsor of the bill in order to offer an amendment which is not beat on a party line vote.

Mr. BONO. As I said before, it is simple, very clear. If the gentleman wants to submit an amendment, fine. Otherwise, I really would like it to stand as it is.

Mr. WARD. Mr. Chairman, I understand it is a very clear bill. It is very straightforward. There are actually a couple other questions I might ask, if I can seek the gentleman's indulgence in that.

Mr. BONO. Mr. Chairman, what is being displayed before America right now is the thing that they hate. That is lawyers in Congress dealing with rhetoric rather than substance and discouraging Americans in believing in Congress.

Mr. WARD. Mr. Chairman, if I might respond to the gentleman, my only comment would be, first, I am not a lawyer. I am a citizen legislator, as I expect the gentleman is, but I think that we need not denigrate the decisions we are making by saying that only lawyers would care about these decisions. These are laws which will affect every American. We cannot say, this is just a simple law; let it slide through. What are we going to do about cases that also deserve to go directly to the Supreme Court?

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to thank the gentleman from California [Mr. BONO] for bringing forth this proposal, because I think it really is a determining factor of the credibility of our democratic processes that we have not only here in the United States but I think we need to recognize in many parts of our States separately.

Mr. Chairman, this is not about 187. That is water under the bridge. But it is about the credibility of the Federal Government's commitment to the right of voters to have that right executed, the voting rights concept.

There are two ways to deny a citizen the right to be able to express themselves through the ballot box. One way is the old way that was addressed in 1965. That is not allow them to the ballot box at all. Never let them drop their vote certificate in that. That was addressed in the 1965 law. But now we have this new insidious approach that says, let us wait for them to drop the ballot in the box and then let us erase every ballot in that box by going to one judge who will override the democratic process by that judge's own process.

For good reason in the 1970's, we pointed out that we needed, in 1976, that we needed to make sure that we defended this most sacred right of democracy, the right to express yourself at the polls by having a three-judge requirement. And we can talk all we want, about that it is only one part of this country that law was meant to apply to. But I am sorry, the last time I read the law, it applies to us all, and it applies to California, Michigan, Connecticut, and, yes, to Louisiana.

We are asking, with this law that Mr. BONO has brought up, that we defend the whole foundation of democracy just as much after the ballots have been dropped as we have before the ballots.

I think that it is appropriate that we follow this, Mr. Chairman. I am rather distressed that democracy, as we know it, can somehow be expendable. I ask those who claim to be from the Democratic Party to one time stand up and support the gentleman from California [Mr. BONO] in his quite rational and logical defense of the democratic process.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON–LEE. Mr. Chairman, I thank the gentlewoman from Colorado both for her work and her sincere work on this issue.

I would simply like to note that members of the Committee on the Judiciary are entrusted with the responsibilities of justice, as well as the responsibilities of overseeing the full justice system, as it relates to the courts, both lawyers, nonlawyers and the courts are opposed to this particular legislation.

I would like to ask, if I could, the sponsor of this bill, my colleague, the gentleman from California [Mr. BONO], if he would again answer an inquiry that I have concerning this legislation. I would simply like to ask the gentleman a yes or no question.

If, in fact, this proposition had been ruled on, if the decision in the 187 proposition in California had been ruled on, I assume, in the gentleman's favor, the gentleman would have not offered this legislation? I ask that question because clearly the U.S. judicial conference has stated that this is a bureaucratic piece of legislation that would clog up the Federal courts.

I know the gentleman to be a person that wants to unclog the courts, wants to ensure that people do have reasonable concern to justice.

My concern is, that this is an isolated incident of which the gentleman is now trying to create legislation to, in his opinion, correct?

Mr. BONO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, if I understand the gentlewoman correctly, this certainly is not retroactive to prop 187; 187 is not involved.

Ms. JACKSON-LEE. Mr. Chairman, but would the gentleman have promoted this legislation if the decision by that judge had been one that the gentleman would have considered favorable?

Mr. BONO. Mr. Chairman, if the gentlewoman will continue to yield, would she restate that again?

Ms. JACKSON-LEE. Would the gentleman have promoted this legislation if in fact he had gotten what he would consider a favorable decision?

Mr. BONO. Mr. Chairman, I would stand behind this legislation any time. It is bipartisan, in my view, and it represents the public. So the referendum is a side issue.

Ms. JACKSON-LEE. Reclaiming my time, Mr. Chairman, I think the point is that the gentleman did not answer the question directly.

Mr. BONO. Mr. Chairman, I said I would support it.

Ms. JACKSON-LEE. Was the genesis of the gentleman's interest the fact of prop 187, which denies rights to those children and adults in California needed social services?

Mr. BONO. Mr. Chairman, that is a whole other discussion.

Ms. JACKSON-LEE. Mr. Chairman, the Judicial Conference of the United States, the U.S. judicial policymaking group, declares that this would be a horror story for the Federal judiciary. The Conference stated that it would be difficult to manage. The legislation would cause scheduling problems, consume limited judicial resources, of which many of the Republican Congress say they would not support, and, frankly, it would clog the Supreme Court and take away from them the discretion of making determinations on which cases to hear.

I see no judicial basis in having this legislation passed other than disgruntled representation from one State suggesting that they want to have one court decision over the decision the federal court in their jurisdiction fairly rendered.

The other point that I would like to end on is that this is not forum shopping. The judge in the 187 case made a fair and impartial decision. We in the legislature now, with this legislation, are trying to detract from an independent, unbiased decisionmaking. I think that that is poppycock. I ask my colleagues to vote this bad bill down.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise to support this very excellent legislation of the gentleman from California [Mr. BONO].

This legislation will enhance our system of checks and balances by establishing three-judge courts under limited circumstances, which are where injunctive relief has been requested regarding a voter approved initiative. As Thomas Jefferson said, Mr. Chairman, trust not to the good will of judges but bind them down by the chains of the Constitution. This bill takes us 10 steps in that direction.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, this was the judge's decision based on the Constitution in this case. Is the gentleman saying that we should disregard the judge's decision based on the Constitution?

Mr. DOOLITTLE. Reclaiming my time, Mr. Chairman, I am saying it

takes 10 steps in the direction of Jefferson's quote because it gets three judges involved instead of one judge.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise in strong support of this very important and timely legislation. I commend my California colleagues, especially Mr. BONO and Chairman MOORHEAD, for bringing this measure forward.

Too often, as seen in California, special interests can misuse the courts. They go forum shopping, which we have talked about here today, for a friendly judge in an effort to thwart the will of the people. California's prop 187, which would have denied taxpayer-funded social services for illegal immigrants, is a perfect case in point. Although a majority of our citizens voiced their strong support for prop 187 in a statewide referendum, the vote was barely official before the court challenges and delays began. So this legislation corrects a fundamental wrong, a flaw in our system, because we believe on this side it is wrong for one activist Federal judge to issue an injunction thereby thwarting the will of the people.

H.R. 1170 will counter this imbalance. It will help restore public confidence in the judicial system, and it continues the process that we began when we passed the Common Sense Legal Reform Act.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support of this bill.

Our colleague, the gentleman from California [Mr. BONO], has authorized a bill I think we should all support. There is probably nothing more basic to the principles of fairness and democracy than the ballot. When a majority of the people have spoken through a ballot initiative or through a referendum, they are entitled to timely implementation of their mandate. Opponents who contend that a law is unconstitutional are of course entitled to their day in court, but the courts should not be used capriciously to delay or thwart the will of the people.

This bill preserves the rights of both sides by adding injunction requests based on constitutional grounds against State referendum to the list of cases to be heard by a three-judge Federal panel. It ensures a quick resolution of the issue by allowing appeals against such injunctions to go directly to the U.S. Supreme Court. It would affect only one case a year.

This bill really protects the one-man, one-vote system. Should one judge have the power, without even ruling on a case, to invalidate 5 million ballots? I think not. Requiring at least two judges on a panel to agree to an injunction will help deter judge shopping by opponents of the law while still preserving their rights. The requirement for a direct appeal to the Supreme Court is in the interest of all parties and is the same procedure, as we have discussed, we now use for congressional reapportionment and for the Voting Rights Act cases.

Voters deserve to have their votes count and are entitled to have a decision rendered in a timely fashion. There is no more direct mandate than a ballot initiative. Let us keep faith with our democratic contract with the people. Vote for this bill. I urge all my colleagues to vote for voters rights.

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Mr. MOORHEAD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to make it clear that this proposition, this bill, does not apply to proposition 187; 187 is gone. It has nothing to do with it whatsoever. Only future cases in other States where problems arise; they can be on the right or left. It cuts both ways. One can get judges that are far to the right and those that are far to the left.

The question has been raised as to whether this procedure is too difficult. It is not. The procedure already exists for similar cases and is used more in Voting Rights Act cases and apportionment cases than would be used in referendum cases. Understanding that the Speedy Trial Act and heavy Federal caseloads have increased the Federal judiciary burden, only one referendum case would be brought up statistically each year. While some States use the referendum process more frequently, there is no reason to think that this will cause undue burden on the courts.

Mr. Chairman, districts who have been overburdened received the benefit of temporary judgeships in 1990. Under the three-judge court statute, one judge may issue temporary restraining orders and make all evidentiary findings alleviating the three-judge trial court difficulties.

On balance, protection of the voters of a majority of a State's electorate outweighs the relatively minor inconvenience caused to the Federal Judiciary. I ask for an ''aye'' vote.

Mr. KIM. Mr. Chairman, I rise today in strong support of H.R. 1170. As a strong supporter of proposition 187, which was overwhelmingly passed by the people of California in 1994, I was deeply disappointed by the abuse of power 1 judge can have over the will of 30 million California voters.

As a cosponsor of H.R. 1170, I believe it is important that this Congress act, as representative of the people, to ensure their rights under the Constitution. To accomplish this, H.R. 1170 would ensure that laws passed by statewide referendum must be subject to review by a three-judge court comprised of one appellate court judge and two district court judges.

I believe this legislation is necessary given the quick decision of a single district judge to reverse the strong voice of California residents who, under the Constitution, voted to pass proposition 187 and eliminate the free giveaway of benefits for illegal immigrants. This is an issue of great importance to the State of California and the State taxpayers who must continue to pay for those who are blatantly in violation of the law.

The question of the unconstitutionality of proposition 187, although an issue for valid debate in the courts, should not be made by one judge. Three-judge panels are already in use for voting rights cases because of the importance of an individual's right to vote—a three-judge panel should exist for statewide referendum on the same principle—the right to vote.

Again, Mr. Chairman, I call upon all of my colleagues to act in good faith and return the right to vote to the people in California and all the States by passing H.R. 1170.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting my electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 3-JUDGE COURT FOR CERTAIN INJUNCTIONS.

Any application for an interlocutory or permanent injunction restraining the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground of the unconstitutionality of such State law unless the application for the injunction is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for an injunction.

Mr. MOORHEAD. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''State'' means each of the several States and the District of Columbia;

(2) the term ''State law'' means the constitution of a State, or any statute, ordinance, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto; and

(3) the term ''referendum'' means the submission to popular vote of a measure passed upon or proposed by a legislative body or by popular initiative.

SEC. 3. EFFECTIVE DATE.

This Act applies to any application for an injunction that is filed on or after the date of the enactment of this Act.

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: In the first sentence of section 1, strike ''Any application'' and insert ''(a) GENERAL RULE.—Subject to subsection (b), any application''.

Add the following at the end of section 1:

(b) APPLICABILITY.—Subsection (a) applies only to—

(1) any case filed in a judicial district, or a division in a judicial district, that has only 1 sitting judge; and

(2) any case that is filed in a judicial district with more than 1 sitting judge but is assigned to a judge in any manner other than on a random basis only.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado [Mrs. SCHROEDER]?

There was no objection.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, this amendment takes this case, or this bill, and it applies it to the case that many have alleged they are most concerned about, and that is the issue of judge shopping. What my amendment says is that this procedure may go forward wherever there is just one or two judges in that district, so obviously one could pick it or where they do not use randomly applied, normal procedures for assigning the case inside the circuit. So, if there is any evidence of forum shopping, then this procedure comes forward because on that issue I think the gentleman from California has a legitimate concern.

My understanding is that in proposition 187, no matter what they say, it was a district with 25 judges, and they were randomly assigned. But if there are districts with one judge, of which of course there are, and if there are districts, and I do not know if there are, that do not use random assignment so forum shopping would be possible, then this is insurance against forum shopping because forum shopping really would corrupt justice, and I think that this is very important because this amendment then brings down the inconveniences this bill might impose on certain circuits to just those who were really trying to misuse the system.

What are we hearing? We are hearing today that what people are really mad about is that American citizens have the right to challenge a referendum in the courts, and since nobody wants to take away the right of the citizen to challenge the referendum, we are now blaming the judge. But in the case of 187 it was not only one Federal judge. It ended up at this point being four Federal judges because it went to the three-judge panel of the court of appeals and also the State judges. So all of those agreed that whoever brought this appeal had that right, and I do not think anybody wants to take that right away from American citizens to challenge anything if it violates their constitutional rights.

Now the second thing and the reason I think it is so important to narrow this bill is that, if we pass this bill, and it is really going to impact just certain circuits because there is just a handful of circuits where the referendum process is so prevalent, but in those circuits every single time we call one of these three-judge panels what we are going to do is close down three courts to drug cases, three courts to crime cases, three courts to all the other cases on the Federal docket that are so critical. At the same time we are going to be shoving these cases right at the Supreme Court, and they will be given absolutely no discretion as to whether they take them up or not, and they will be having to take them up within an entirely different kind of record, not the appellant record they usually look at, but a much more complex record, and so they will be shutting out the ability of the Supreme Court to look more fairly and openly at the whole range of issues that come in front of it.

All of us know that every year there are more and more and more appeals to the Supreme Court, but there is just a very limited number they can take, and they are on critical constitutional issues that we all care a lot about. We hear a lot of debate about that, and so should we give this specific referendum a very special pass? We are giving them the golden keys to the Supreme Court. They can then unlock the Supreme Court anytime they want, and no one else has got those keys on any other issues of constitutional weight except in the voting rights area.

So I think this is terribly important. I think the Federal circuits are very worried about this, and that is why they have asked us not to pass this bill, but at least with this amendment we will be bringing it down to what the gentleman from California said is his specific concern, which I think is legitimate, and that is judge shopping. If there is judge shopping, we want to stop it. This amendment gets at that, and I would hope that everybody would strongly, strongly support this amendment. Otherwise I hope they vote against the bill.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Mrs. SCHROEDER].

(Mr. HYDE asked and was given unanimous consent to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I want to congratulate the gentleman from California [Mr. BONO] for initiating this excellent piece of legislation. I cannot imagine anything more startling than to learn that a referendum or an initiative, in which 5 million people have participated has been set for naught by one judge who, as we all know, being people in the real world, judges can be whimsical, judges are not always correct, and one judge who decides against 5 million people, or a large percentage thereof, is really an anomaly.

Now what the gentleman from California [Mr. BONO] and what we are seeking in this bill is justice and a fair chance at justice. It is not forum shopping to say that collective wisdom is better than individual wisdom. When my colleagues have surgery, they would like a second opinion, a third opinion. There is nothing wrong with getting opinions of people who are skilled, and who have the judgment and have the knowledge that is important in this field. So, if we are dealing with something of such dignity, and such importance, and such weight, and such significance as a statewide referendum, what in the world is wrong with asking that a three-judge panel decide whether it should be operative or it should be set aside? I think that is justice.

Now the gentlewoman, for whom my admiration is boundless, and I mean that, says we are going to close down three drug courts. I suppose she means two; they have to slow one down anyway for the judge who is going to hear the case, but I do not see this as an either/or proposition, and I do not see an individual drug case being delayed a week or two so that the wishes of millions of people can be adjudicated in a reasonable way, as a bad tradeoff. So I think this is a fine idea.

The gentlewoman obscures and obfuscates the neat simplicity of this proposal by requiring qualifications where there is only one judge or other procedures for random selection. I think it clutters up the bull. The bill is very plain and very direct, and I think it is the quickest way to justice for millions for people who take seriously their role in a statewide referendum.

I yield to the gentlewoman from Colorado [Mrs. SCHROEDER] my dear friend.

Mrs. SCHROEDER. Mr. Chairman, I think my chairman for yielding.

Mr. HYDE. Mr. Chairman, I was reading her mind and assuming that is what she really wanted.

Mrs. SCHROEDER. Absolutely I am delighted, and I think the gentleman would admit that people do have that right to a three-judge panel. They could appeal it to the Court of Appeals, and of course in this case on 187 they did. So at this point they have had four Federal judges, and all four Federal judges have agreed.

Mr. HYDE. Is the gentlewoman saying an appeal is as good as winning the case in the first instance?

Mrs. SCHROEDER. Mr. Chairman, I think, if one does not win it in the first instance, as the gentleman also knows, one has an immediate right, if they think that that injunction was unfairly granted, one has an immediate right to move on that, and I think that is the insurance that a person has.

Mr. HYDE. But that is costly and cumbersome, and maybe the people who are initiating this do not have the resources that some of the special interests who want to set it aside do. But an appeal is never as good as winning it in the first place; the gentlewoman knows that I am sure.

Mrs. SCHROEDER. The gentlewoman knows that we always want to win it the first time, but I want to say also I want to make sure that people have those rights and they have the right to immediately go up, and I think the gentleman knows that all the Federal courts have randomly assigned judges and that, unless there is only one judge on the circuit, one cannot forum shop really in the Federal courts.

I guess the other question I have is: If you have a constitutional issue that comes out of a legislature, why should that have a lesser right, if you think this is a higher right, than one by referendum?

Mr. HYDE. Reclaiming my time, that is another issue, and we can debate that on another day, but one of the things that I have never particularly felt favorably toward is no change of venue in the Federal courts, and one can get a budget that they are not at all comfortable with, and perhaps with good reason, and there is no way one can change a venue from him if he or she does not choose to grant it on their own.

So that is another reason that one can get justice more readily by the collective wisdom of a three-judge panel than one, and I am sure the gentlewoman has much more to say, and she can do it on her own time, and I will listen to her with interest.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] to the bill. I obviously oppose this bill. The amendment would make it slightly better, probably not well enough for me to vote for it even if it passes because I just think this is a bad idea, and I think the American public and my colleagues need to understand why this is a bad idea and why we have not done this in more circumstances. I mean if it was a wonderful idea, why is the only case in which one gets a three-judge panel is in voting rights cases? Why do we not apply it to all cases? If judges are whimsical, as the chairman of the Committee on the Judiciary indicated, and they are; I mean I practiced law for 22 years, I know judges are whimsical.

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But that does not mean that this is a good idea. There is a reason that we have not done this in other areas of the law.

You should know that we had this process in the Federal law from 1948 to 1976. We repealed this process in 1976. The reason we repealed it was that the bench, the Federal judiciary, lawyers, and the people concluded, and this is from a report that was filed, that ''This was the single worst feature in the Federal judicial system.''

Now, as if we have forgotten this history, we are going to go back and reinstitute the same thing again. Well, if we do it for this line of cases and it is a good idea, where are we going to draw the line? We are going to get on this slippery slope, and next week we are going to want it for, I guess, traffic offenses or legislative things that are subject to judicial attack. Or, hey, certainly if the Congress of the United States passes a law, should it not require three judges to declare it unconstitutional, as opposed to just one judge, even though we can appeal it up through the process and go through the normal routine?

This is a bad idea. This is a bad idea. This is not about having an adjudication in a reasonable way, as the chairman of the Committee on the Judiciary has said. If this were reasonable and this were the only way to get a reasonable adjudication or deal with adjudications in a reasonable way, then we would be doing it for all of the cases.

There is a reason that we have not adopted this process for other cases. It is costly to have three judges come in and decide something that one judge, who is open to an appeal if he is wrong, can decide. It is costly.

Mr. Chairman, under this proposal the judges will not be sitting in the same city. They will be coming from different parts of the state. You have got to put them up overnight. You have got to pay their expenses. They have got to have their law clerks with them. You have got to pay their expenses. And at a time when my Republican colleagues are beating us up over limiting expenditures at the Federal level, they are coming in here and proposing something that is absolutely nonsensical, just to do a favor to the Republican Member from California.

That is what this is all about. That is why 99 percent of the people who have debated on this side of the aisle on this issue have been from California. They do not like the results that the judge gave them, two judges, I might add, not one, in this proposition case in California, so they want to change the process, a process which has worked for America for years and years and years.

This is not about process. This is about the result that they do not like.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Schroeder amendment. It would certainly limit the areas in which H.R. 1170 could be used. There are no States in the Union where there are not at least three judges. We are talking about the trial of a case where a piece of legislation has gone to the people of all of the state. There would be no difficulty in getting a three-judge panel if the case came up. Actually, we have the same situation exactly in voting rights cases and in cases of reapportionment.

What this amendment would do would be to change the procedure that is already established for those other cases and have a different kind of a procedure for cases arising out of an appeal from a statewide referendum.

Mr. Chairman, I know that there are people that would say that where you have only one judge or where you have one-judge districts, you can shop; but where you have 25 judges, as you do in some counties of the Nation, you cannot.

But actually there are different proclivities of different panels, in Los Angeles, San Diego, and San Francisco. Believe it or not, they do shop for panels where they hope to have a more favorable judge that is assigned to their case, even though it is done by rotation. That happens even there.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, does that mean if we have got these panels that have these proclivities, the next step is to have three panels so we have to have nine judges now?

Mr. MOORHEAD. Mr. Chairman, reclaiming my time, absolutely not.

Mr. WATT of North Carolina. I am relieved.

Mr. MOORHEAD. I hate to see this bill, which I think is a fine bill, tied to a proposition which has gone its way. I know some people have felt emotionally involved because they have not agreed with the court on this particular proposition. But this applies to the American people, to give them a better opportunity of being satisfied that there has been a balanced three-judge panel that has heard their case. And I know it does go both ways. You can get a very rightwing judge that may decide against a more liberal proposition because his tendencies go in that direction, as well as you have the other direction.

We are bringing more democracy to the American people, who have feelings on one side or the other. And I think that the bill, as it is written, is much better than if you lock out certain parts of the country because the judges are more scattered or there are not as many in one district, where there are several districts in the State.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hold in my hand a document that many of us hold extremely dear, and that is the Constitution of the United States. Our Founding Fathers wisely designed a form of government that established the executive, the legislative, and the judicial branches, and in that I think their wisdom was that it was important for the American people to have access to government in three separate and distinct branches. it also offers an opportunity for mutual respect, and also, to a certain extent, some cross-pollination, with basic factual premises.

I think the difficult concepts that need to be evidenced here as I rise to support the Schroeder amendment are important. This is a very carefully crafted amendment, which would eliminate the very burdensome, costly and time-consuming procedures, and answer the so-called question of forum shopping. The concepts are that while we are here discussing a judicial issue, we are really talking about a political question in the State of California and a legislative undoing of an important judicial decision.

I do respect and appreciate the people's right to vote, and I do believe that the people of California were heard by a randomly selected district judge, federally appointed, who would have the freedom and the independence to make a constitutional decision based upon the Constitution and the responsibility of three distinct branches of government.

We now find ourselves here in this legislative body disturbing that sacred process by suggesting that a few disgruntled citizens did not get their way in California, partly to put poor people out in the street, denying educational rights to children and health benefits to the elderly that are in this country, a whole other story, a whole other issue. But because that was not a decision that some in this body appreciated, we now want to alter the Constitution of the United States.

The Schroeder amendment gives some dignity to the Constitution, for what it says is if we determine there is a problem, then in fact this process can be one that we would adhere to. If there is documentation that there has been a real problem in a jurisdiction, then this three-court panel can be established.

Right now we have no documentation. The irony is we have a disgruntled bunch not willing to accept the ruling of the court, and we now want to distort the Constitution and clog up the courts, in direct opposition to a letter from the Judicial Conference of the United States of America.

How interesting. How interesting. In contrast, my colleagues on the Committee on the Judiciary wanted to undermine just a few months ago the habeas proceedings, again dealing with the rights of individuals to access justice. Now we want to abuse the process and clog the courts, even though citizens have a right to go into a courtroom and an impartial judge sits and makes decisions under the Constitution of the United States. We now want to get a panel of three judges, rejected by the Judicial Conference, clogging up the Supreme Court, and rejecting, again, a process that has worked now since 1976.

The Schroeder amendment is clear and simple and precise. It is on the premise that we can in fact fix what is broken. It does not go in massively, all over the Nation, and upset the apple cart, and upset the three branches of government, executive, legislative, and judicial, sanctioned and confirmed by the Constitution of the United States of America.

Mr. Chairman, I would suggest that we support this amendment, which would allow those who have a sincere concern with judge shopping to respond to their problem, while at the same time preserving precious judicial resources. It allows us to go in where there is a problem and fix it. I hope my colleagues who have mentioned this issue of forum shopping, and I do respect the chairman of this subcommittee, I hope that they can understand that we are doing great damage, great damage, to this judicial process, and I frankly cannot understand why we would completely ignore the Judicial Conference of the United States of America which opposes this legislation strongly and firmly.

Mr. BONO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, I would just like to comment that this case has not been heard. Everything that has occurred has simply been on technicalities. But the case itself has not been heard and it still not heard.

Ms. JACKSON-LEE. There has been an order.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE. Mr. Chairman, if I may make one point, there has been a temporary restraining order.

Mr. MOORHEAD. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, all I wanted to say is our committee does have a major responsibility. The Judicial Act of 1789 set up the Federal courts. Our committee, our Subcommittee on Courts, does have the responsibility of providing the judicial procedure that is followed. This bill is strictly in accordance with the responsibilities that we have in carrying out that duty that we have.

Ms. JACKSON-LEE. Mr. Chairman, reclaiming my time, I appreciate the duty, but I would also hope we would do it on the premise that we have a duty to correct. I am not convinced and I do not think the American people can be convinced that this is not just an isolated incident. We do not need additional jurisdiction for three-judge courts and a further clogging of the court system.

Mr. Chairman, I want to say to the gentleman from California [Mr. BONO], there was a preliminary injunction against proposition 187 that was affirmed on appeal.

We have not gone on the premise where there is something to fix. We are clogging up the courts. This amendment will in fact help isolate the problem and solve the problem where there is one, and not broadly disregard the Constitution of the United States.

☐ 1330

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to review the purpose of this legislation, and I rise in strong opposition to the Schroeder gutting amendment and in support of the Bono voting rights bill, but I ask the Members if they can imagine this scenario? Last November an overwhelming number of Californians voted, almost 60 percent, supporting the passage of proposition 187. What proposition 187 would have done is eliminate social services for illegal aliens. Not legal aliens or citizens, but for a people who are in this country illegally in the first place. An overwhelming 5½ million California taxpayers said enough is enough.

They said that they have problems enough taking care of their own citizens and they voted to put a stop to this spending that costs California taxpayers over $200 million every year. But, amazingly, this overwhelming will of the people in California was snubbed by just one individual.

Mr. Chairman, referendums, more than any other electoral process, reflect the direct will of the people and should not be easily cast aside. Under the current system, opponents of a referendum can go judge shopping to find one single judge that will stop the referendum. This legislation, the Bono voting rights legislation, will replace that practice with a three-judge panel from all parts of the State so that the referendum, the will of the people, gets a fair shake.

I urge support of the voting rights bill and I urge opposition against the gutting Schroeder amendment.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I appreciate the gentleman yielding to me so I can respond to the previous speaker on the other side of the aisle. The gentlewoman from Texas [Ms. JACKSON-LEE] referred to the 5 million California voters, who, as she points out in her remarks, overwhelmingly voted to approve proposition 187 as a disgruntled few.

I would like to tell the gentlewoman that when I have my town meetings back home in my district, I am approached by constituents all too often who inquire about proposition 187 and they ask why proposition 187 is not the law of the State of California today. I have to explain to them about the Ninth District Court, about a very liberal and activist judiciary we have in that court.

Mr. Chairman, I really believe what we are talking about here is correcting a flaw in the judicial system and correcting this bad practice, this precedent of thwarting the people's will by, in fact, venue shopping, or forum shopping. I want to point out again that these 5 million disgruntled few are the voters we are disenfranchising by the law today.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I keep hearing these allegations of forum shopping. My understanding is that the district that this went to had 25 Federal judges and they are randomly assigned. My question is, Does the gentleman have some evidence of forum shopping we do not know about? And does random assignment in circumstances with more than one judge not prevent that type of forum shopping.

Mr. HERGER. Mr. Chairman, to respond to the gentlewoman, again, what we are attempting to do is get the will of the people. We still have a situation where 5½ million, right at 60 percent of the voters of the State of California, voted overwhelmingly on a measure that would prevent their taxpayer dollars going to illegal aliens and we had a situation where one judge, one Federal judge, was able to upset the overwhelming will of the people of the State of California.

What we are trying to do is at least bring in to play a three-judge panel so that the voters will have a better shake in future referendums.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will continue to yield, have three judges not acted on that now? It has gone to the court of appeals and they unanimously upheld that one judge.

I think what the gentleman is complaining about is the U.S. Constitution and a citizen's right to challenge, not the court system. That is why this is so troubling. This is not a solution for what the gentleman is saying his complaint is, which is the right of a citizen to challenge a statute that they think is unconstitutional.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words and to speak in support of the amendment.

Mr. Chairman, the reason we are here today and the reason we are in this debate is because some of those who are elected to public office simply do not have the courage to explain the facts to the people they represent. In the State of California, that I represent, along with many of my colleagues in this body, we use the initiative process like some people change their clothes or change channels. It is not a pure process, it was put in as a reform, but now anybody who can came up with about $½ million, I can guarantee, can get the signatures for an initiative in California on any subject matter they desire to have put on that ballot.

Many have ridiculed the California initiative process. Many people say it is crazy, it is out of bounds, whatever, but it is a means by which the people get to express their views on various issues. But it is not always the people that put it on the ballot. Very often it is a commercial interest. It is the tobacco industry that puts an initiative on. And then people who do not like smoking, but put an initiative on.

The farm bureau put one on so nobody could regulate farm workers. The people turned that down. Then the farm workers put one on that said everybody has to regulate the farmers, and the people turned that down.

When they got to putting a smoking initiative on they said, the people who wrote that said, people can smoke in rock concerts but they cannot smoke at the opera. The people said, that sounds funny, and they turned it down. The tobacco industry put on an initiative that said we will overrule all the local jurisdictions trying to eliminate smoking, and the people said that does not sound good, we will turn this down.

Most of this happens because it gets stalled in the legislature. The insurance industry said we will have no fault insurance. Somebody else said, no, we will have fault, fault, fault insurance, and we passed both of those. The insurance industry, and the gentleman from California [Mr. BONO] maybe will remember this, I think they spent $20 million on this. This was about the will of the people? This was not about the will of the people.

Mr. Chairman, now along came 187 and people decided that they did not think they should any longer pay for illegal aliens in this country, residents in this country who had not come here legally. It made a lot of common sense. But as they got into it, they started writing it harder, harder, and kind of overreaching, going further and further, and they went right past the U.S. Constitution. People were emotionally caught up so they voted for it and it passed overwhelmingly.

A lot of politicians were for it and a lot of politicians were against it. Most people reviewed it after the fact and said it probably was not the greatest idea. Well, the people who were impacted by it or disagreed with it under the laws of the land of the United States went to court and said, I think this is unconstitutional. The court said, well, I think they might be right, and they had a restraining order.

Mr. Chairman, the people who lost on that side said this is not good, we will appeal it. They appealed it. It went to a three-judge panel and they said, we think the lower court might be right and they upheld the injunction. Those are the laws of the United States of America.

Rather than tell people that some individual out there that might be impacted was petitioning the court to protect their rights under the Constitution of the United States, the gentleman from California [Mr. BONO] has decided he would make the Government the enemy. He has decided it was come corrupt judge who was not really giving him a fair shake; that was forum shopped.

What the gentleman is suggesting is that somehow the system let the people down; the system let the people down because the judge came from northern California instead of southern California. Were they disenfranchised during the vote? Should they be disenfranchised from reviewing it? Of course not. This is not forum shopping, this was testing the provision against the Constitution.

Mr. Chairman, this is not the first time this has happened. Not the first time in California. They have done it on handguns and other gun control measures. Sometimes we win and sometimes we lose. This is what the Constitution does, it protects the single individual, it protects the minority, it protects the unpopular, that they have a right to go and petition.

If that one judge had ruled in the gentleman's favor, he would not be here today. But we must understand something. Because 5 million people in this country vote for something, that certainly makes us take notice, and that is why we are on the floor today, but it does not make their vote right in terms of the Constitution.

Mr. Chairman, we have nine members across the lawn here that have overruled the desires many times and the wants of tens of millions of Americans when they decide cases, when the decide cases on abortion, or they decide cases on apportionment or on civil rights.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if Members want to know how we

make cynical voters; if they want to know how to make people hate the system, it is that we mislead them about what the system did. Nobody was mistreated under this system. Those people that voted for 187 and those that voted against 187 are being protected throughout this process.

The initial question of whether or not we should enjoin the law before we find out its impacts and who it will hurt and is it the Constitution, one individual deciding that is not a crime. Three individuals may be better or worse, but that is not why we are here today. We are here today because people have chosen to trash the Government rather than explain the Constitution and explain to people that sometimes might does not make right. We are one of the few countries where that is the case.

Mr. Chairman, 5 million people voted Their views are being acknowledged. We have changed our attitudes here. We have changed the laws on immigration. The State legislature has done the same, and a lot of things have happened since that vote, but it does not necessarily mean that that vote is constitutional. People have a right to seek a review of that.

We would be a better government, we would better serve the people if we leveled with them that there is a process, and whether it is the work product of the initiative in California, where people properly go to the polls, or whether it is the work product of this Congress, there is a means by which it is reviewed so that people can protect their rights and enforce others' responsibilities. It is the judicial system. And that was not abused in this process.

Mr. Chairman, the judge did nothing willy-nilly. And I would not like to be this judge, overturning the views of a popular side of an election. But judges are there because they discharge tough issues, tough questions that are brought before them. They have to make that decision. We would probably want to have a hearing on it. We would probably want to send it to interim. We would want to hold it over till the next session, but that judge had to rule, and now the system is engaged.

We would be better served if we discussed that rather than trying to refight proposition 187 on the backs of the judges and the courts and the system in this country, because I think all we do there is we mislead our constituents. We mislead the voters and mislead the citizens about what they can and cannot do under the Constitution of this country.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, first of all, if I understand the referendum system correctly, there is often a disillusionment on behalf of Government to the people, in that they do not act on things. They pontificate, but they do not necessarily act. At a certain point of frustration, the people themselves respond and get it done.

Mr. Chairman, does the gentleman have the same passion about proposition 174, where the CTA spent $25 million to prevent the freedom of school choice and vouchers?

Mr. MILLER of California. Mr. Chairman, reclaiming my time, and I will yield if the gentleman needs more time, but I would have the same passion. What I said at the outset, my point was this, if we want to represent that somehow the pure view and motives of the California voting public was overruled, and I am suggesting to the gentleman that we are all residents in California and we watched this process. The initiative process is the most manipulative process because usually it is bankrolled by tens of millions of dollars by people who want to change the rules of the game one way or another because they were not successful in the legislature for one reason or another.

Mr. Chairman, this is not just Polly Purebreath and her friends coming out and saying, we want to do this for the good of society. It does not happen that way, because most of those people cannot gather the signatures because the legislature makes them get more and more signatures, which means citizens have to have more money, and the gentleman knows that.

□ 1345

Mr. BONO. Mr. Chairman, I just do not remember this argument when 174 went down. Nobody seemed to object at all.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, if you lose in the courts, you lose in the courts. A lot of initiatives have gone down and people have shrugged their shoulders. That is the process.

Mr. BONO. Mr. Chairman, if the gentleman would continue to yield, they lost at the ballot box.

Mr. MILLER of California. Mr. Chairman, again reclaiming my time, what is happening here is the trashing, the absolute trashing of the Government for political motives, which is about trying to lead people to believe that somehow they have been screwed in the process, because somebody exercised their right on the court.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, this bill does not apply to proposition 187. My State of Virginia does not have initiatives, it just has referendums. But the State legislature can put a referendum on the ballot, millions of people can take time to go to the polls. The gentleman from California [Mr. MILLER] pointed out that when millions of people were overruled by this nine-judge court, the Supreme Court, why is it not better to have a three-judge panel on these rare instances when millions of people participate in this process and want to have a little better assurance? It is a protection on both sides.

That judge could have ruled that it was constitutional and the gentleman from California might have thought it was not constitutional. Why not have a three-judge panel and give better protection for the people?

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I am almost less concerned about the content than I am about the political motivation here. I think when we see a country that is more and more disenchanted with its institutions, we are suggesting here that when one side or the other, however it happened, whatever the issue is, and again we have been through this numerous times in California, when one side exercises their rights, people want to run around and suggest that they cheated. That somehow the institutions let them down. That is what concerns me here more than anything else.

Again, there will be millions of people that will vote on initiatives this next election in California. We have several that are slated to come up. And in the gentleman's State of Virginia, they have the initiative process. That will happen, but that does not mean that the result of their work product, their voting and interest and involvement, is necessarily constitutional.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, this is more about suggesting to them that their review was outside of the system; that they should have prevailed simply because they won at the ballot box. The gentleman from Virginia [Mr. GOODLATTE] knows, the gentleman is a lawyer, that is simply not the case. We do not get to do that.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, look ahead prospectively. This does not apply to proposition 187. Whatever the politics of that is, leave it behind and look ahead prospectively and say in the future we are going to tell people when they participate by the hundreds of thousands or the millions that they have the opportunity to be assured they will have a three-judge panel.

Mr. Chairman, 10 times in 10 years is all this would have happened. Once a year. Very reasonable, it seems to me, when you bring that many people out, you get that many people aroused about an issue. And you may be right. Sometimes they are ginned up over something that is not a good idea. Let us look at it more carefully with a three-judge panel.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, I want to tell the gentleman from California [Mr. MILLER] that I love the court system, having practiced in it a great deal of my life and having been on the committee that has jurisdiction over the courts for many years. I would not trash the courts for any reason. I love this body that we are in, the House of Representatives, and I would not trash it in any way either.

I just want to make the court system better, where our responsibility leads us in that direction.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mrs. SCHROEDER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think if I can answer some of the questions that I think the gentleman from California has so eloquently asked, and I really salute the gentleman for taking the floor, we had this process in 1976, and this Congress unanimously did away with it, because they said it was so burdensome on the court.

Mr. Chairman, it takes three judges. You have to pull them out of their courtrooms in different places. We know that the Federal system is absolutely overloaded with drug cases, crime cases. We do not want to give any more resources to the courts, so we are handing them another mandate.

Mr. Chairman, I think the other issue that has been raised is this gives them a direct access to the Supreme Court without an appellate record, because they do not go through the Court of Appeals. Other people do not get direct access to the Supreme Court. They have got to go and make their case and the Supreme Court picks and chooses the ones they want. But this gives them direct access and it is a wonderful way to just push everybody else out of the line.

Mr. Chairman, I think what my colleagues are doing is treating somebody unfairly, and so does Justice Rehnquist and his group that has sent us a letter asking us, please, to remember our history; to remember we tried this from 1948 to 1976; to remember we are the ones who do not want to give anyone else any more resources for anything; and to say that this is not a good idea.

So, Mr. Chairman, I thank the gentleman for pointing that out.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I thank the gentlewoman from Colorado. I think the gentlewoman raises a good point. My concern here is that if we had a three-judge panel in place after 187, and that three-judge panel, as did the appellate panel, find that there were these constitutional questions, we would be here today asking for a five-judge panel. Because this is about a political motivation to try to tell the people that they got cheated out of a result that they voted for, before we know whether or not that result is constitutional.

Mr. Chairman, we are just here politically trashing the courts. This judge is a perfectly honorable person, and I am assume the three judges were perfectly honorable judges. But some people believe that when they lose, somebody cheated, and then they have to run around and tell everyone.

Mr. Chairman, I do not think the people who are vehement on this issue on 187 would be here saying we have 3 judges overruling 5 million people, so that sound like a good deal. That is not the case at all. I just think the motivation here is terribly bad. I think it is terribly costly for the court system and costly for the institutions of this country and I think it is how we make cynics out of the American public.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, I keep hearing references to 187, and all I have got to say it is not even 5 million we are talking about. We are talking about the almost 10 million people, because people voted for and against, through their electoral process, for the initiative. And fine, that is one thing.

But I am talking about consistency now and let us talk about the Constitution and the concepts of the Constitution.

The fact is, right now we have a process with three judges for reapportionment and that has stood since the 1940's and was reaffirmed by the Congress back in 1976, that we were going to maintain that. What has happened is that we have found a glitch where the existing statutes do not follow Supreme Court ruling and that it is inconsistent. The proposal of the gentleman from California [Mr. BONO] makes the law consistent with the Supreme Court ruling on the Constitution. So this act is a constitutionally compatible activity.

Mr. Chairman, let me remind my colleagues, in Baker versus Carr, Justice Clark said, and I quote, ''By the use of a referendum, a State is reapportioned into single voting district to vote directly on legislation.''

All the legislation of the gentleman from California [Mr. BONO] is saying is that we are going to be consistent now with the Supreme Court ruling. It is really talking about: Let us have our laws reflect the Constitution as clarified by the Supreme Court.

Mr. Chairman, I hear my colleagues on the other side of the aisle keep saying about the Constitution is supreme and we should follow it, and I agree. But here we have a Supreme Court ruling that says: This is a constitutional issue and this is a Voting Rights Act issue. It is not a Crime Act issue; it is not a drug issue; it is not a violent crime issue. It is a Voting Rights Act issue.

Mr. Chairman, there are Members of this Congress who have been here since 1976 and who supported having the three-judge process for reapportionment. I have not heard horror stories about how terrible and how absolutely outrageous this process has been since then. It has worked for reapportionment.

Under Justice Clark's ruling, all the gentleman from California [Mr. BONO] says is let us reflect the fact that the initiative process is a reapportionment issue and should be treated equal to with the same process that reapportionment has had since the 1940's and was specifically retained by this Congress back in 1976.

Mr. Chairman, I have to say to the gentlewoman from Colorado [Mrs. SCHROEDER], if it is going to cause so many problems to follow the lead of the gentleman from California [Mr. BONO] on this thing, then why was this law not changed in 1976? Why did we not have these conditions before?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, it was changed in 1976. They had 3-judge panels from 1948 to 1976, and in 1976, the House and Senate changed it at the request of the courts. The courts today have written a letter, I am sure the gentleman from California [Mr. BILBRAY] has seen it, begging us not to do this again because it is so onerous.

It really impacts on all of their different dockets that they have got that are so backed up and it does not end up with any result. They still get a 3-court panel, because they get to appeal to the Court of Appeals. So they are saying, ''Wait a minute, wait a minute. This is very different.'' And the voting rights case only happened once a decade. That is a little bit unique. That is once a decade. And that is a very different type of case from this. There are 20 referendums a year.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, Justice Clark was clarifying that it is not a totally different issue and that has not been overturned yet. The letters from the judges, as somebody who ran a county of 2.5 million full of judges, I know what the process likes to be and would like to be. They have to follow the Constitution too.

Mr. Chairman, this clarifies the fact that again, if the 3-judge process has worked and continues to work with reapportionment, then all parts of activity that relate to reapportionment should be following the same rule. Mr. Chairman, I insist that we recognize that the gentleman from California [Mr. BONO] is only reinforcing a ruling that was made by the Supreme Court and basically statutorily corrects an inconsistency that we have detected recently. And we not only have the right

to correct this inconsistency; we have the responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] will be postponed.

The point no quorum is considered as having been withdrawn.

Mr. MOORHEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, had come to no resolution thereon.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1170, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess until 3 p.m. today.

Accordingly (at 1 o'clock and 59 minutes p.m.), the House stood in recess until 3 p.m.

□ 1502

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RIGGS) at 3 o'clock and 2 minutes p.m.

THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1170.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, with Mr. EWING in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] had failed by voice vote and a request for a recorded vote had been postponed.

AMENDMENT OFFERED BY MRS. SCHROEDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No. 692]

AYES—177

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

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Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer